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A HISTORY

OF THE

House of Douglas



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James Beaufort

A HISTORY
OF THE
House of Douglas

FROM THE EARLIEST TIMES DOWN TO THE
LEGISLATIVE UNION OF ENGLAND AND SCOTLAND

BY THE
RIGHT HON. SIR HERBERT MAXWELL

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WITH AN INTRODUCTION BY
W. A. LINDSAY, WINDSOR HERALD

IN TWO VOLUMES

Volume I

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Charles Alexander Douglas-Home, 12th Earl of Home, 2nd Baron Douglas of Douglas, etc.

DEDICATED TO
CHARLES ALEXANDER DOUGLAS
XII EARL OF HOME

Lord Douglas of Douglas

IN GRATEFUL ACKNOWLEDGMENT OF
THE ASSISTANCE RENDERED BY HIM IN
COMPILING THIS WORK



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BAIN . . .	<i>Calendar of Documents relating to Scotland, 1108-1509,</i> 4 vols., edited by Joseph Bain, H.M. General Register House, Edinburgh. 1881-88.
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INTRODUCTORY NOTICE BY THE EDITOR



IT is proposed to issue a series of histories of those families which have more especially contributed to the development of Great Britain and Ireland. It matters little for the purpose in view whether the particular family assisted or opposed that which is now considered the good of the people—whether a family was borne to victory on the crest of a popular wave, or was an obstacle which had to be removed and destroyed, its history is equally important. Those who write the histories of nations can deal only with the acts of Kings or Peoples as landmarks of time, or as the outward and visible products of changes in thought or belief. Those who limit their horizon can see illustrated in some great noble houses the eddies of the broad stream of human history; and these minor historians are apt to be more accurate in details and less influenced by preconceived theories than the historians of kingdoms. The histories of which the first is now offered to the public, are not intended to be mere genealogical chronicles, nor to glorify the ancestors of the great. The object rather is to record what part was played by certain prominent families in the received historical drama; to collect the family versions of a national story,—and thus to assist in unveiling the hidden motives of past actors.

The importance of this minor evidence is invaluable,

for state papers were usually intended to conceal or pervert the truth; whereas family papers were primarily intended as direct confessions of motive, and were rarely written with the idea that they would be published to the world. It is claimed, therefore, on behalf of the series of volumes now commenced, that in addition to the charm of real romance, they will be of value to the scientific historian of the future. That these stories will throw fresh light on many vexed questions, and sometimes show from a different aspect those now regarded as shining lights of religious and constitutional strife, is probable. As the critical periods of the religious schism, the Rebellion, and the Revolution are reached, the events of history cannot fully be understood without a comparison of the rival views of Catholic and Protestant Houses. The material for such family histories, collected mostly by the Historical Manuscripts Commission, has only been available for, at the most, two decades. Formerly the history of a family was the work of a servant writing for a patron, and nothing derogatory to an ancestor was allowed to appear. Fabulous origins were invented, seldom less than regal, sometimes quasi-divine; but the taste for such fancies has happily left us. It remains to narrate with due respect, but with honest criticism, the work of dead heroes, and to show how the hereditary instinct in a family has contributed to the development of the nation.

The families which first suggested themselves as typical of England and Scotland, Ancient and Modern, were Percy and Douglas, and for convenience the latter appears first. Certainly in no one of His Majesty's kingdoms has any one family been so identified with the national history than was Douglas in Scotland. Emerging from an origin cradled in myth stepped warrior after warrior, the principal figures in each Scottish host, the heart and soul of every warlike enterprise. Now that the predominant power of any one

family is impossible, except perhaps in places where chivalry has no home, if we look back from our imperial edifice to the builders of the united nations, we shall perceive no name more worthy of the halo of romance than Douglas.

And strange to say, a History of Douglas has never yet appeared, for neither Pedro Pineda nor Hume of Godscroft (as printed) penetrated beyond the threshold—nor till the Public Records had been printed and family papers unearthed, was it possible to produce an accurate history of many generations. In the case of Douglas, the most valuable assistance has been rendered by the late Sir William Fraser, K.C.B., who transcribed and printed for the Earl of Home many of the charters and papers of the Earls of Angus. To weld all the public and private evidence thus collected into a connected story, attractive to the public, requires the hand of a master of the art of narrative.

This the Publishers and Editor believe they have found in that of Sir Herbert Maxwell, whose development of a splendid theme is now submitted to the public.

W. A. LINDSAY.

AUTHOR'S PREFACE



I CONFESS that, when I undertook to compile a memoir of the house of Douglas, I underrated the magnitude of the task. To do so thoroughly would be to write the history of Scotland from the thirteenth to the eighteenth century, with biographical details outside these limits. I have been compelled to be content with an endeavour to trace the descent of the principal families sprung from the original stock, to relate the part borne by the most prominent members of these families in the affairs of their country, and to indicate the origin of minor branches bearing the common name. It has not been thought expedient to follow the fortunes of this essentially Scottish house beyond the date of the legislative union of Scotland with England, except by a brief enumeration of the succession in the various principal lines after that period. To do more would have swelled the work beyond moderate bounds, so great has been the number, the energy, and the versatile talents of the descendants of William de Douglas.

It is only too certain that blunders must have crept into such a long and complicated narrative. From some of these I have been saved by the vigilance of the Editor of this series of family histories; from others by the kindness of Mr. Andrew Lang, who, despite his varied and incessant literary labours, has been at the pains to read the proofs.

The *Douglas Book*, compiled by Sir William Fraser, and privately printed for the Earl of Home, has been an invaluable clue to the lines of Douglas and Angus, especially on account of the splendid series of charters and correspondence printed therein; but it has not always been possible to view the action of individuals in precisely the same favourable light as that erudite writer cast upon them.

I am indebted to the Earl of Home for permission to reproduce engravings of seals, signatures, etc., from that work, and to the Duke of Buccleuch, the Duke of Hamilton, and the Earl of Morton for leave to photograph certain family portraits. To Sir Thomas Gibson-Carmichael I owe the privilege of reproducing for the first time an original drawing of the Regent Morton (*Frontispiece*, vol. i.). Hitherto this has been regarded as a sketch from the picture at Dalmahoy (vol. i. p. 253); but internal evidence has convinced me that it was a study for the original picture. In the upper right-hand corner there is a faint sketch of Morton's head in a soft cap, in profile, and, lower down, a sketch of his left hand on the sword hilt, which could not be represented in its proper place on so small a sheet. The colouring—red beard, and curiously pale hazel eyes—has here been faithfully reproduced from the original. The engraving of the Dalmahoy portrait (vol. i. p. 253) unfortunately has been reversed. The figure has been made to face the left instead of the right, and the sword to hang by the right side.

Since these pages were printed I have noticed some facts in connection with the heraldry of the Morays or Murrays which seem to bear on their alleged common origin with the Douglasses [see vol. i. pp. 9–12]. It has been pointed out in the text that it would be quite in accordance with the practice and spirit of Scottish heraldry

if the original arms of Douglas—*argent*, on a chief *azure*, three stars of the field—were a mere variant of the original arms of Moray—*azure*, three stars *argent*—significant of common descent. But I was not then aware, or had forgotten, that several branches of the family of Moray, resident within what was Douglas territory of yore, actually display their stars upon a chief, after the manner of the Douglasses.

Thus Murray of Blackbarony, Peebles, gives—*argent*, a fetterlock *azure*, on a chief of the last three stars of the first.

Murray of Philiphaugh, Selkirkshire—*argent*, a hunting horn *sable*, stringed and garnished *gules* : on a chief *azure* three stars of the field.

Murray of Stanhope, Peeblesshire—Quarterly, 1st and 4th the arms of Philiphaugh : 2nd, *azure*, three fraises *argent* : 3rd, *argent* on a chief *gules* three crescents *or*.

Murray of Clermont, Fifeshire—*argent*, a fetterlock *sable*, on a chief *azure* three stars of the field : the whole within a bordure crenellé *gules*.¹ As an additional example of the significance of arms as indicating affinity or patronage, those of Inglis of Manor may be cited—*viz.* *azure*, a lion rampant, in chief three stars *argent* ; upon which Nisbet observes :

“John Inglis of Manor obtains a charter of confirmation of his lands of Manor from his superior, Archibald Duke of Touraine, Earl of Douglas ; and the three stars in chief, carried by the name of Inglis, I take to be arms of patronage, and carried by that name, upon the account that they were vassals to the Douglasses.”²

In regard to the general conduct of this great house—

“Whose coronet so often counterpoised the Crown”—

I have endeavoured to view their relations with the Stuart dynasty as dispassionately as possible. In doing so I have

¹ See Nisbet's *Heraldry* and Douglas's *Baronage*.

² Nisbet's *Heraldry*, vol. i. 83.

arrived at a judgment upon such men as the 1st, 4th, 8th, and 9th Earls of Douglas, the 5th, 6th, and 8th Earls of Angus, and the 4th Earl of Morton, less unfavourable than that pronounced by more than one historian, more lenient than many of my readers may feel able to endorse. I have done so with a full sense of the unscrupulous means whereby they sometimes pursued their policy, but also with some regard to the only methods of political controversy recognised as effective at the close of the Middle Ages. While private ambition and greed of gain must be recognised as not infrequent motives in more than one of these individuals, I have felt unable to condemn the tenacity with which, generation after generation, the chiefs of Douglas clung to the project of the union of Crowns, which experience has proved to have been the true solution of the dispute between England and Scotland; nor can I, as a Scotsman, withhold a tribute of gratitude for the opposition which they maintained to the ancient alliance with France. To that alliance, it is true, was due the success of the Scottish struggle for independence, by reason of the degree in which the English Kings were continually embroiled in French wars; but after the Scottish people had embraced the Reformation, further entanglement with the house of Valois must have proved disastrous.

Lastly, I have endeavoured to avoid the snare which has entrapped so many writers of Scottish history, causing them to range the characters in every controversy under the headings of good and bad, right and wrong, after the scheme of a transpontine melodrama. That is not my reading of *τὸ ἀνθρώπειον*—human nature—at any period or in any country. Types of good and evil—Abels and Cains, Hezekiahs and Ahabs, Lucretias and Messalinas, Alfreds and Borgias—manifest themselves from time to time, and become severely specialised; but in public life as

private, the material of character is seldom uniform throughout, and cannot be analysed without constant reference to circumstance, nor judged independently of the ethical standard of the age—

“Virtuous and vicious every man must be,
Few in the extreme, but all in the degree ;
The rogue and fool by fits is fair and wise,
And even the best, by fits what they despise.”

Moral principle is unchanging, or it is naught ; treachery, violence, and disloyalty are everlastingly evil ; but it is only intellects of Pharisaic cast that are insensible how greatly external impulse and restraint vary from century to century.

After all, there remains the melancholy reflection what tedious reading history would afford were all rulers just and wise, all subjects loyal and contented. Scarcely would the house of Douglas have furnished an attractive theme had all its members complied with law and order, living on their estates, accumulating wealth and securing respect. I have tried to explain the part they played in moulding the destiny of their country and establishing their own fortunes. If the means that they employed were not always above reproach, their motives not invariably single or lofty, we may at least console ourselves with the cynical Frenchman's observation : “ La vertu est une triste chose : elle ne laisse point de souvenirs.”

HERBERT MAXWELL.

MONREITH, *November 1901.*

THE HOUSE OF DOUGLAS

CHAPTER I

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PERHAPS it is safe to affirm that no country of similar extent has afforded more stirring material for history than Scotland. It is true that there is no counterpart in Scottish literature to the abundant early Irish chronicles, whence chiefly our knowledge of events previous to the twelfth century in what was to become Scotland is derived, and it was not until near the close of the fourteenth century that John of Fordun, a priest of the diocese of St. Andrews, undertook the first comprehensive history of his country. He died before his task was complete; but in 1441 Walter Bower, Abbot of Inchcolm, took up the materials collected by

Fordun, and brought his chronicle down to the year 1437.

In truth there *was* no kingdom of Scotland before the year 1263, when Alexander III. overthrew the Norse dominion at the battle of Largs. Kenneth Macalpine, indeed, King of the Scots of Dalriada, helped by the Danes, had overcome the Picts, and became monarch of Alban, subsequently to be known as Scotia, in 844. But his realm consisted only of what is now central Scotland, namely, Perthshire, Argyll, Angus and Mearns and Fife. The Highlands, where he had broken the sway of the Pictish kings, were in no sense part of Kenneth's dominion, being partly held by Norsemen and partly by independent Celtic chiefs. Galloway and half Ayrshire, though Pictish, remained dependent alternately upon Norse and Saxon overlords. Lothian was still nominally part of the Saxon realm of Northumbria or Bernicia, while Caithness and the Sudrey—that is, the western islands as far south as and including Man and Anglesea—were practically under the sway of the Norse jarls of Orkney.

Malcolm Canmore, by aid of his uncle Siward, Earl of Northumberland, wrested Lothian and Cumbria from the usurper Macbeth in 1054; three years later he drove him across the Mounth and slew him at Lumphannan. Thorfinn, Earl of Orkney, who had actively supported Macbeth, died about this time, leaving Malcolm practically paramount in northern Britain. He had need of all the diplomacy at his command to weld into a homogeneous nationality his Celtic, Norse, and Saxon subjects. A Celt himself, he could reckon upon the attachment of the men of Celtic race, and he most prudently conciliated the Norse element by marrying the widow of his most formidable and implacable foe, Thorfinn. She died before 1067; the Norman conquest of England had taken place in the meantime, driving the queen and family of Eadgar Aetheling to seek refuge at the Scottish Court. Thereupon Malcolm, having put his Norse subjects in good humour by his first marriage, won the favour of his

Saxon lieges by his second, in marrying the Saxon Lady Margaret, sister of Eadgar Aetheling. The alliance cost both Malcolm and his country dear, for it brought him into conflict with William the Conqueror, who invaded Scotland, forced Malcolm to become "his man," took his son Duncan as hostage and bestowed lands in England upon Malcolm, for which homage was due according to feudal custom. Thence arose the long and still obscure controversy of the nature and extent of the submission due by the Kings of Scotland to the Kings of England. Malcolm, falling to war again with William Rufus, was slain near Alnwick in 1093. His dominion of Cumbria was rent in twain, the northern moiety, from Solway to Dumbarton, remaining part of the Scottish realm; the southern portion being forfeited for ever to England. Still, the kingdom of Scotland had been rendered for the first time a reality under the puissant personality of Malcolm, and would have retained more than a semblance of unity but for the fierce contest for the succession between Malcolm's brother, Donald Ban, representing the pure Celtic line and the custom of tanistry, and Duncan, son of Malcolm's first marriage, embodying the Norse element in the family and kingdom. Donald prevailing, shared the throne for three years [1094-1097] with Eadmund, a younger son of Malcolm's second marriage, until Eadgar Aetheling deposed both and placed Eadgar, Malcolm's elder son, upon the Scottish throne. Eadgar, dying in 1107, divided the succession between his two brothers Alexander and David, bequeathing to the first the kingdom of ancient Alban, or Scotia proper, and to the second Lothian and the Scottish moiety of ancient Cumbria, to wit, the counties of Dumfries, Lanark, north Ayrshire, Renfrew, and Dumbarton.

Alexander, called "the Fierce," died in 1124, when his younger brother David united the kingdom once more under a single sceptre. But David, whose sister Matilda had married Henry I. of England, spent his youth at the English Court, and there became saturated with feudal

ideals. With his wife Matilda, widow of Simon, Earl of Northampton, David received the earldoms of Northampton and Huntingdon, and became King Henry's liegeman for these dignities, their revenues, and the almost absolute power attached thereto. His accession to the throne of all Scotland in 1124 marked a turning-point in the history of that country, inasmuch as he brought with him many young Norman knights, in addition to those whom he had already settled in his realm of southern Scotland. He set to work vigorously to feudalise his whole dominions, superseding the ancient constitution of the Seven Earls, and addressing his instruments to "bishops, abbots, earls, sheriffs, barons, governors and officers, and all the good men of the whole land, Norman, English and Scots."

Such a revolution could not be effected without much offence and heart-burning; ethnological differences still smouldered; there were Celtic upheavals in 1130 under Malcolm and Angus, grandsons of Lulach, Mormaer of Moray, and in 1141 and 1150 under Wimund. Even the dominant Norman barons, who had benefited so much by David's reforming zeal, proved an element of danger, by reason that the most powerful of them owed allegiance to the King of England for their estates in England, as well as to the King of Scots for those in Scotland. Thus in 1138, when David invaded England in support of his niece Matilda against Stephen, his old friend Robert de Brus renounced his allegiance to the King of Scots, and, resigning his lordship of Annandale in favour of his second son, a lad of fourteen, left him in command of his levies, and fought in Stephen's army against the Scots at the battle of the Standard. Even after that disastrous day David remained the vassal of Stephen for the earldom of Huntingdon.

David I. died in 1153, and was succeeded by his grandson Malcolm IV., commonly called "the Maiden," who applied himself to settling the disturbed districts of Moray and Galloway. In Moray a very notable element was introduced into the population, which leads us directly

into the matter of the present work. Pursuing his grandfather's policy of replacing turbulent and disaffected Celtic chiefs with Norman landlords, Malcolm seems to have gone further, and to have deported, expelled, or otherwise disposed of at least part of the native population, and colonised it with what Fordun describes as a "peculiar and peaceable people."

Now there seems no reasonable doubt that this peculiar people were Flemings, the names of the new colonists bearing testimony to their nationality; indeed, in a grant made by King Malcolm in 1160 of the lands of Innes in Strathspey, the grantee is named Beroaldus Flandrensis—Beroald the Fleming. A considerable number of this industrious and enterprising people had already settled in Scotland during the reign of David I., and carried on trade in the ports on its eastern coast. Their numbers were greatly augmented in consequence of a decree of Henry II., in 1156, expelling all Flemings from England.¹ The energy and warlike qualities of these foreigners, and especially their skill as artificers, engineers, and builders, commended them to the enlightened views both of David I. and his successor, Malcolm IV., as the very kind of people to promote that which, if it seems at this distance of time to have been sheer feudalisation, was in fact the surest means of civilisation. Had castles to be built to overawe rebellious districts?—the Flemings were the best builders in the land. Was it desirable to provide other means than rapine and precarious agriculture for subsistence?—the Flemings were the best artificers in Europe. Did young industries require armed protection against roving marauders?—the Flemings were as handy with pike and bow as they were with loom and plumbline. Accordingly, when King David bestowed Duffus and other lands in Moray upon the Fleming, Freskin of Strabrock in Linlithgowshire (now Uphall), he was taking the surest means of establishing peace in that distracted territory. Freskin prospered and added large tracts

¹ After this "great trek" the burgesses of St. Andrews are referred to in some documents as Scots, French, Flemings, and English.

to his original possession ; became, indeed, the chief land-owner in Moray, in virtue of which his sons adopted or received the territorial appellation of *de Moravia*, to pass in process of time into the ordinary surname of Moray or Murray.

Freskin, dying before 1171, left three sons, Hugh, William, and Andrew, whereof Hugh was ancestor of the Earls of Sutherland. Of Andrew, the descendants, if any, have not been traced ; but William, the second son, is believed to have left three sons, also named Hugh, William, and Andrew. Hugh succeeded to the lands of Duffus and Strabrock ; William owned Petty, Brachlie, Boharm, and Arndilly, and founded the line of the Morays of Bothwell ; Andrew became a priest. During the lifetime of the sons of Freskin, between 1174 and 1199, a certain William de Douglas (Will. de Dufglas)¹ appears upon the scene, witness to a charter granted by Jocelyn, Bishop of Glasgow, in favour of the monks of Kelso.

First appearance of the name Douglas, 1174-1199.

Now, in endeavouring to trace the lineage of this William de Douglas it is necessary not to overrate the significance of family names in the twelfth century. Surnames, as we know them, were not in use ; the baptismal name was all important, but to distinguish one William from another, the ancient mode was followed of adding either a temporary patronymic or some qualitative indicating office, calling, or personal attribute. A notable instance of the fluctuating patronymic occurs in the royal house of Stuart, whose founder was Alanus *dapifer*, Alan the Steward. His son was styled Walter Fitz Alan, and Walter's son became in turn Alan Fitz Walter. In the Hamilton line, also, Walter Fitz Gilbert alternates with Gilbert Fitz Walter.

With Norman feudalism, however, territorial designations came into vogue, and just as it has been shown that Freskin and his sons bore the appellation of *de Moravia* or Moray because of their possessions in that province, so this William de Douglas acquired his territorial designation, by which

¹ *Liber de Calchon*, p. 346.

his descendants were distinguished, until it became crystallised into a regular surname, in virtue of their owning the lands of Douglas in the upper ward of Lanarkshire.

The explanation of the name of Douglas offered in his *History of the Douglasses* (A.D. 1643-1644) by the enter-

Doubtful
origin of
the family.

taining but untrustworthy Master David Hume of Godscroft may be mentioned only to be dismissed. Of the Douglas he affirms that "according to the constant and generall tradition of men, thus was their originall," and proceeds with a fabulous account of a battle in 767 between Solvathius, rightful King of Scotland, and a pretender, Donald Bane. The victory was very nearly Donald's, when "a certain noble man, disdaining to see so bad a cause have so good successe," struck in for the King and turned the fortunes of the day. When the King inquired about the knight who had done such valuable service, somebody exclaimed, "Sholto du glasse!" which Hume interprets, "Behold the black, grey man!" One is only too familiar with this kind of *ex post facto* etymology, which seems to have as much attraction for minds of a certain kind as it causes irritation in those of another. Godscroft had done more wisely not to go beyond his guarded observation about the race of Douglas: "We do not know them in the fountain, but in the stream; not in the root, but in the stem; for we know not who was the first mean man that did raise himself above the vulgar." However, in justice to Godscroft, it must be admitted that he was not the inventor of the mythical King Solvathius, whose name suggests some connection with the Solway district. He was merely following uncritically Hector Boece and George Buchanan, both of whom had described the insurrection of Donald Ban against this imaginary monarch in 767. Now there had been two distinct insurgent chiefs named Donald Ban, but neither belonged to such an early date. First, in 1094, Donald Ban, brother of the deceased Malcolm Canmore, had contested the succession of his nephew Duncan; second, about 1160 Donald Ban, son of William Fitz Duncan, and great-grandson of Malcolm Canmore, had risen in arms against

William the Lion. This rising was not put down till 1187, when on 31st July the royal troops defeated a greatly superior force under Donald Ban at Mamgarvey.

Godscroft probably was acting in perfectly good faith, according to his lights, in repeating the tradition current about the first Douglas, and in consulting two professional historians about the date. The earlier the date assigned the better would it please his patron, William, 11th Earl of Angus [lxii.], who concerned himself mightily about precedence founded upon antiquity.¹ Tradition may have been correct to this extent, that notable service was done in William the Lion's cause by a chevalier who received the lands of Douglas as a reward. It is to be noted that the first written record of the name William de Douglas, occurring between 1174 and 1199, closely synchronises with the rising of the second Donald Ban.

The earliest known mention of the water and lands of Douglas occurs in charters granted prior to 1160, of *aqua de Douglas* and *territorium de Douglas* adjacent thereto, in the county of Lanark;² and again they are mentioned by Walter the Steward, before 1177, as one of the boundaries of the Forest of Mauchline. The name represents the Gaelic *dubh glas*, dark water,³ and is borne to this day by many streams in other parts of Scotland, being the exact equivalent of the frequent Blackburns and Blackwaters in Saxon-speaking districts. The original sound of

¹ "About the time that Godscroft's history was written, and before it was published, a rivalry arose among several historical families in Scotland to obtain precedence by tracing themselves back to remote ancestors. Part of the process by which they hoped to accomplish this purpose was by serving themselves heirs to these ancestors. . . . William, Earl of Angus, afterwards 1st Marquis of Douglas, who took so much interest in Godscroft's history, obtained nine services in the same year, 1630, to William, Earl of Angus, his grandfather, to George, 1st Earl of Angus, his great-grandfather's grandfather's grandfather (*proavi abavi*), to Archibald, 8th Earl of Angus, his grandfather's grandfather's brother's great-grandson (*atavi patris nepotis*)," and so on.—Fraser, i. p. lxxiv.

² *Liber de Calchou*, pp. 78, 82, 84.

³ Gaelic is known to have survived as the vernacular in the hill districts of Galloway and South Ayrshire (not far from Douglas) as late as the reign of Queen Mary.

the name is well preserved in the local pronunciation, which invariably gives to the diphthong in Douglas the value of the *u* in *rule*, or the *o* in *do*, not as English speakers pronounce it, with the sound of *u* in *but*.

Turn we now to the evidence, slender and hypothetical as it is, connecting this William de Douglas [i.] with Freskin de Moravia. If William was connected with Freskin, he had a compatriot as neighbour in Douglasdale, seeing that between the years 1147 and 1164 Theobaldus Flamaticus—the Fleming—received a grant of land on the bank of Douglas Water opposite to the lands of Douglas. Between the years 1179 and 1198—that is, either just before or shortly after the rising of Donald Ban, William's eldest son, Archibald, resigned the lands of Hailes, in Midlothian, which he held from the monastery of Dunfermline, in favour of Thomas, son of Edward of Restalrig, who paid him a price for the same.¹ Sir William Fraser remarks, for what it is worth, that Hailes is not many miles from Strabrock (Uphall), owned at that time by Hugh, eldest son of Freskin.² Shortly afterwards, Archibald and his brothers took up their quarters in Moray, one of the younger brothers, Brice, having been appointed bishop of that see. Ross and the borders of Moray had been the scene of Donald Ban's operations, which, if William de Douglas earned the lands of Douglas by service against the rebels, points to his connection with the more northern district. Brice's appointment to the see of Moray also suggests a connection between the family of Douglas and the province of Moray, just as Brice's previous appointment as Prior of Lesmahagow no doubt was owing to the proximity of that religious house to Douglasdale. During the bishopric of Brice de Douglas, which lasted from 1203 to 1222, many of his relatives appear as witnesses to charters granted by him, namely, Archibald,

¹ *Registrum de Dunfermelyn*, p. 190.

² Fraser, i. 9. It is to be noted that in 1444 Strabrock was owned by the Earl of Douglas, being one of his castles which was burnt by the Crichtons in that year.

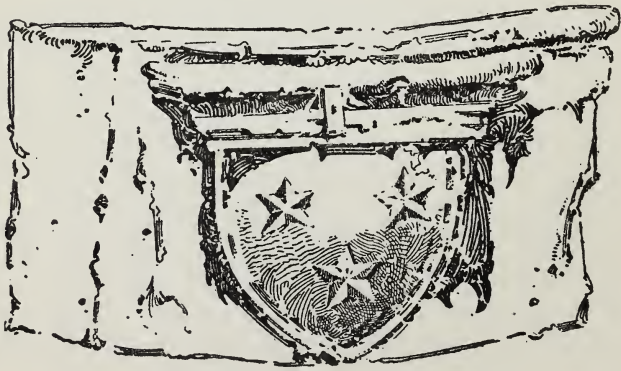
Alexander, Hugh, Henry, and Freskin de Douglas. Was this Freskin de Douglas the same as one named by the bishop "Freskyn de Kerdal avunculus noster"—our uncle—a landowner in Moray and lay patron of the church of Daviot? Freskin, as Mr. Cosmo Innes has remarked,¹ was a peculiar and unusual name, common to the families of Moray and Douglas, the former of which is known to have been founded by Freskin. It probably denoted nationality, *Freskinus* or *Fresicus* being the low Latin term for a Frisian. Sir William Fraser suggests that the occurrence in the Register of Moray of the names Archibald, Alexander, Hugh, and Freskin de Moravia, side by side with those of Archibald, Alexander, Hugh, and Freskin de Douglas, indicates relationship rather than mere coincidence. Sir William further points out that if Bishop Brice, in the above-mentioned grant of the tithes of Daviot church, had referred to the lay patron, Freskin de Kerdal, as his *patruus*, father's brother, we could then have been certain that the said Freskin was brother of William de Douglas, Bishop Brice's father, "and so a descendant in common with the founders of the family of Moray from the first known Freskin. But as the term of relationship between Freskin of Kerdal and Bishop Brice is not *patruus*, but the indefinite word *avunculus*, this does not follow; they may have been only brothers-in-law, Freskin having married a sister of William of Douglas, or William's wife being a sister of Freskin, in which case the question of origin is where it was at first."

Again, had the early Douglas muniments escaped destruction the exact nature of the connection with the house of Moray might have been plainly set forth. Such muniments certainly existed as late as the year 1288, when Sir William de Douglas, "le Hardi," gave a receipt to the Abbot of Kelso upon receiving them back from custody in the cell of Lesmahagow. If, as is probable, they were stored thereafter in Douglas Castle, it is only too easy to imagine their fate during the war of independence, during which that stronghold was repeatedly burnt to the ground.

¹ *Registrum Moraviense*, p. xlv.



Douglas & Moray Armorial Stones at
Bothwell Castle.



Or supposing them to have escaped destruction then, the frequent forfeitures incurred by the descendants of le Hardi may have been fatal to them. The few early Douglas charters which remain passed into possession of the 4th Earl of Angus with the Douglas estates forfeited by James, 9th Earl of Douglas, in 1455.

The links connecting the families of Moray and Douglas in a common descent from a Flemish colonist are so shadowy that it might be thought a waste of time to endeavour to trace them. But before dismissing the problem it may be noticed that the belief in such a descent seems to have been current in the early part of the fifteenth century, else Wyntoun would not have repeated it—

“ Of Murrawe and the Douglas,
 How that thare begynnyng was,
 Syn syndry men spekis syndryly
 E can put that in na story.
 But in thare armeyis bath thai bere
 The sternys¹ set in lyk manere;
 Til mony men it is phit sene
 Apperand lyk² that thai had bene
 Of kyn be descens lyneale
 Or be branchys collaterale.”³

Wyntoun wrote in an age when heraldry was a living science. He understood the significance of the suggestion that the original bearings of Douglas—argent, on a chief azure, three stars of the field—was just such a variant of those of Murray—azure, three stars argent, two and one—as might have been devised to distinguish between the two houses, and, at the same time, indicate a common descent.⁴ But this also is far from conclusive, seeing that the arms of great lords, altered in arrangement or tincture, were often

¹ Stars.

² Seeming as if.

³ Wyntoun's *Cronykil*, B. viii. c. 7.

⁴ The well-known heart, which now figures in the arms of Douglas, was first borne by William, Lord of Douglas [1348-1384], in commemoration of his father's expedition in charge of the heart of Bruce. The imperial crown first appears upon the heart in the arms of William Douglas, Lord of Nithsdale [*ob. c.* 1392], as given in Lindsay's *Heraldry*, 1542. It was first added to the arms of the head of the house by the 11th Earl of Angus when he was created Marquess of Douglas in 1633.

conferred upon their vassals without any consanguinity. The families of Brodie and Innes, both in Moray, each bore three stars; so, at the other end of Scotland, the saltire and chief of the Bruces, Lords of Annandale, are reflected in the bearings of the ancient families of Johnstone, Jardine, Kirkpatrick, etc. The heraldic evidence, therefore, like the documentary, cannot be pronounced more than suggestive, and, when all is said and done, there remains this, that the sudden appearance between 1174 and 1199 of William de Douglas, bearing the territorial name, would be quite consistent with his being one of the native chiefs of Clydesdale, who had recently received a charter of his hereditary lands. The utmost that can be urged is a strong probability, supported by the Christian names, that the houses of Moray and Douglas were derived from a common Flemish or Frisian stock.

The fortress of Vigoleno, on a spur of the Appenines about fifteen miles from Salso Maggiore, Parma, belongs to the Count Scoti Douglas, descended from Marco Antonio Scoto, Conte d'Agazano, who claimed descent from the Douglas stem. When the 11th Earl of Angus [lxii.] was collecting material for the history of his family in 1620, he caused two Scottish gentlemen of the name of Strachan to wait upon the Count d'Agazano in Paris, requesting a copy of his family tree. Angus afterwards met the count himself in Orleans, who sent him the tree in May 1622, accompanied by a letter, in which occurs the following interesting heraldic information:—

The family
of Scoti of
Piacenza.

“The ancient arms of the Scoti in Piacenza were in conformity with the ancient arms of Douglas, as may be seen in the Church of Santo Lorenzo in that city; but at the time when the Guelphs and Ghibellines contended in Italy, the Scoti, as partizans of France, were elected chiefs of the Guelphs in Piacenza; and, as all things with odd numbers were considered Ghibelline, the Scoti were obliged to make the number of the three stars either four or two; but, not judging it proper to increase the number, they resolved to leave out one, and in its place, by way of memorial thereof, they put a white bar, which, beginning on the right, ends on the left, because, had the bar begun on the left and ended on the right, that would have been Ghibelline.¹ The field, which used to be red, was granted,

¹ The count means, not a bar, which is a horizontal figure, but a bend, which is a diagonal one; in this instance, a bend sinister.

together with the pelican crest, by the Emperor Henry IV.—the crest to such of the Scoti who were then in the habit of bearing it, the field to the whole family in general.”¹

There is still preserved at Bothwell Castle an elaborate genealogical table, prepared in 1636 for George Douglas, D.D., second son of Sir Robert Douglas of Glenbervie and grandson of the 9th Earl of Angus [lvii.], wherein is shown, in addition to the lines of Douglas, Morton, and Angus, and the branches of Queensberry, Cavers, Mains, and others, the collateral descent of the Scoti of Piacenza from one whom Sir William Fraser terms “a prehistoric member of the Douglas family.” From this, however, nothing can be gathered as to the connection between the Moray and the Douglas.

A narrative of these two families, however succinct, covers the whole history of Scotland from the close of the thirteenth century till the union of the Crowns, embracing the most romantic and eventful period in the existence of the independent kingdom; indeed, it is not possible to follow the fortunes of the house of Douglas alone in its three principal branches, Douglas, Angus, and Morton, without wide excursions into the course of home and foreign politics. One remarkable feature distinguishes the Douglas from most other Scottish families of equal antiquity. Despite repeated forfeitures and the personal vicissitudes befalling the adherents of one or other of the parties which so constantly and so fiercely divided the northern realm, the lands which gave this family their name still remain in possession of their descendants. Two-and-twenty generations of Douglas have borne the lordship of that dale for seven centuries, between William of Douglas, the first recorded of the name, down to the present Earl of Home, Lord Douglas of Douglas, who represents the house in the female line.

Although the extent and limits of the possessions of William de Douglas [*c.* 1174—*c.* 1214] cannot be determined, obviously they must have been considerable, as proof

¹ Fraser, iv. 292-294.

remains of his great influence at a time when a layman's influence was in proportion to his landed property. He attended the court of William the Lion, and his name often occurs in very good company witnessing the charters of that monarch. Still more convincing of the position already attained by the family in those early days is the elevation of William's second son Brice [ii.] to the see of Moray. Bishops of the thirteenth century were more than merely ecclesiastical dignitaries; they were peers of the realm,¹ taking rank before earls, then the highest degree of lay nobility, and exercising great political and often military power.

The most permanent effect of Bishop Brice's episcopate was his selection of Elgin as the site of the cathedral of the diocese. He had first chosen Spynie, which, with the sanction of Pope Innocent III., became the cathedral church; but Brice, when attending the Lateran Council in Rome in 1224, strongly urged Honorius III. to consent to the episcopal seat being removed to Elgin, because Spynie was so solitary a spot that it was unsafe in time of war, and his clergy spent half their time in travelling to distant markets for the necessaries of life. Bishop Brice did not live to see the change, which was not carried out until two years after his death. He occupied his see for nineteen years [1203-1222], and was appointed arbiter by the pope in a dispute between Patrick, Earl of Dunbar, and the monks of Melrose. The trial took place at Selkirk, Bishop Brice presiding, King William the Lion, his son Alexander, and other high dignitaries being present as assessors. After Alexander came to the throne, Brice fell into disgrace at the Papal Court, the legate Gualo placing him under interdict in common with the realms of England and Scotland. This interdict he seems to have disregarded by performing service within his diocese, for which offence he was excommunicated.

¹ The privileges of bishops as peers of the realm were not called in question until Tudor times, when Archbishop Cranmer and Bishop Fisher were tried by ordinary juries instead of by their peers. Bishops are now accounted lords of Parliament, but not peers of the realm.



Sir James de Douglas, ob. 1330.



Moray of old.



Douglas of Dalkeith, c. 1300.



*Sir Henry Douglas of Lochleven,
ob. 1350.*

On 5th November 1218, Brice having expressed due contrition, the ban was removed; but in the following January Pope Honorius III. issued a commission to the Abbots of Cupar, Scone, and Dunfermline to examine certain heinous charges against the bishop of neglect of duty, dissolving

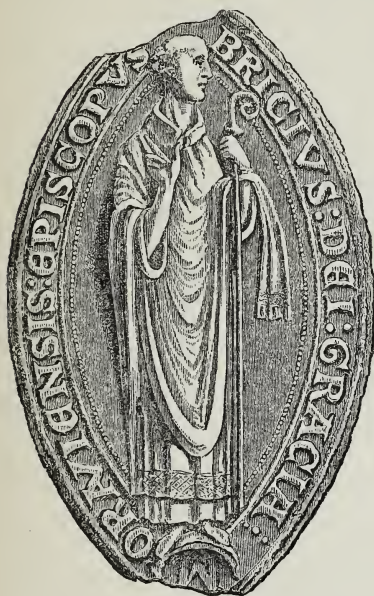


Fig. 1.—Seal of Brice of Douglas,
Bishop of Moray (1208).

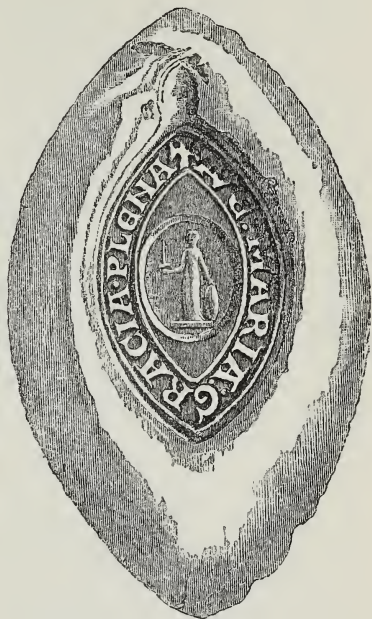


Fig. 2.—Reverse side of seal.

B. di grā moravens̄ ep̄c.

Fig. 3.—Opening words of charter by Brice Douglas, Bishop of Moray (1208).

marriages and condoning offences for money, corrupting justice, exacting exorbitant rents, and spending them in gross immorality, etc. The proceedings upon this charge are not extant, but at all events they proved no hindrance to this prelate receiving the supreme honours of canonisation

after his death in 1222. His day is 13th November.¹ One of the very few authentic portraits of the period represents Bishop Brice in profile figure, wearing canonical vestments. This occurs upon a seal appended to his attestation of the pope's mandate appointing him arbiter in the Dunbar *v.* Melrose case. To the same attestation are appended the names of the King of Scotland and his three sons.²

Of the six sons of William de Douglas [i.], four others besides Brice became clerics, namely, Alexander, a canon of Spynie and Vicar of Elgin;³ Henry and Hugh, also canons of Spynie; and Freskin, parson of Douglas. Hugh became Archdeacon, and Freskin, Dean, of Moray.

The first appearance of Archibald, eldest son of William [i.], is as witness—*Erkembaldus de Duuglas*—to a confirmation by Jocelyn, Bishop of Glasgow, of a toft in Glasgow in favour of the monks in Melrose [1179–1199],⁴ where his name appears between the names of Alan the Steward and Robert de Montgomery. He acquired the lands of Livingston and Herdmanston in Lothian, and must have received knighthood before 1226, as he is entitled *dominus Archibald de Dufglas* in a charter not later in date than that year.⁵ He is believed to have married Margaret, daughter of Sir John de Crauford of Crauford. Archibald died about 1240, and, in the absence of documentary proof, must be assumed to have been the father of Sir William de Douglas, the third recorded owner of the lands who, Hume of Godscroft says, was called “Long-leg,” because of his great stature. He is the first of his house to become clearly defined in the historical events of his day, but before attempting to follow his

¹ Erroneously given 12th August in Dempster's *Menologium*, where the further error is made of recording that he lived as Prior of Lesmahagow after renouncing the bishopric of Moray.

² The original is among the Duke of Buccleuch's Melrose Charters.

³ In the Cartulary of Moray, Alexander is designated both *vicecomes*, sheriff, and *vicarius*, vicar. Sometimes the title is ambiguously abbreviated *vic*. Probably *vicecomes*, which was not an ecclesiastical office, is a clerical error.

⁴ *Liber Collegii Nostre Domine de Glasco* (Maitland Club, 1846), p. 235.

⁵ *Liber de Melros*, i. 214.

iii. Sir
Archibald
de Douglas,
died c. 1240.

career, a sketch may be given of a foundation which has been closely associated with the house of Douglas from the earliest to the latest times.

The parish of Douglas, which is co-extensive with the barony, obtains earliest mention, and that incidentally, in the attestation of *Fretheskin persona de Dufgles* (Freskin, parson of Douglas) to a charter granted by his brother Bishop Brice to the monks of Kelso, undated, but of course executed during Brice's episcopate [1203-1222]. Subsequent notices occur in deeds of the thirteenth century, including the presentation in 1292, by Edward I., of Master Eustace of Bikerton to the church of Douglas then vacant. In 1297 an agent of King Edward, writing from Berwick-on-Tweed, reported the living vacant, stated that it was worth two hundred merks, and recommended that it should be given to Hugh de Cressingham, Edward's Treasurer for Scotland. The church was built on rising ground within the village of Douglas, and dedicated to St. Bride, who became thereafter the patron saint of the Douglas and his following.

The building is supposed to have escaped destruction until about the year 1781, "when it was all taken down except a turret and an aisle which covered the vault, where so many of the Lords of Douglas had chosen their sepulture."¹ It was enriched with many canopied tombs and recumbent effigies, which have suffered sad mutilation, popularly attributed to Cromwell's soldiers. What could be done to restore them and preserve them from further injury has been reverently accomplished by the present Earl of Home, who stands in the room of the ancient Lords of Douglas, in virtue of his descent in the female line. Let into the altar steps, and covered with glass, are two heart-shaped leaden caskets, one of which is reputed to contain the heart of the Black Douglas; but there is reason to believe rather that they contain the hearts of the 5th and 8th Earls of Angus, the former of whom—Archibald Bell-the-Cat—lies in St. Ninian's Priory Church at Whithorn.

¹ *Originales Parochiales*, i. 154.

With Sir William de Douglas, named Long-leg (*c.* 1240–1276), the family emerges from the mist of an almost unwritten antiquity, and henceforward the difficulty of the annalist is not so much to recover traces as to sift the authentic from the mythical, to reconcile discrepancies, and to interpret the parts played by actors in the crowded stage of Scotland. Alexander II. died in 1249, and his son by Marie de Couci was crowned at Scone, being then but eight years old. On Christmas Day 1251 he received knighthood at York from the hand of his step-uncle, Henry III. of England, refusing, no doubt as instructed by his nobles, the homage claimed for his kingdom, but accepting as his wife, Margaret, Henry's eldest daughter. At this time two parties or factions were striving for supremacy in Scotland, whereof that headed by Walter Comyn, Earl of Menteith, was the more national, and proved the stronger at first. Alan Durward, Justiciar of Scotland, was leader of the opposition, and was suspected of sinister designs upon the succession, and of having to that end moved the pope to legitimate his wife, a natural daughter of Alexander II. At all events, Durward's object was the same as Menteith's, namely, to get possession of the King of Scots during his minority. Foiled in his first attempt, Durward took service under King Henry in his foreign war, and presently returned as that king's envoy to look after the comforts of the young Queen of Scots. In effect, he seized the persons of both the King and Queen of Scotland, and held them till King Henry came; who, after taking counsel with the magnates of Scotland, among whom was William de Douglas, appointed a regency to act until Alexander III. should come of age. The Menteith party were now in opposition, and bestirred themselves to such good purpose that, at the instance of the Bishop of St. Andrews, the Regents were excommunicated. Behold now the establishment of a national as against an English party in Scotland—to remain a normal state of politics for three centuries to come.

Douglas from the first adhered to the English party,

iv. Sir
William de
Douglas,
"Long-leg,"
died in 1274.

and his is a typical example of the influence affecting many of the Scottish nobility in the coming struggle. His principal possessions may be assumed to have been in Douglasdale, but he certainly also held lands in the county of Northumberland, whereof the possession was so long in dispute between the Kings of England and Scotland.¹ There is some reason to suppose that his wife (possibly a second wife) Constance or Custance was one of the family of Battail of Fawdon in Northumberland, from whom in 1264 Douglas purchased the lands of Fawdon.² Clearly, therefore, it was his interest to keep in favour with the English King.

In 1257 the Menteith party strengthened their hand by capturing King Alexander at Kinross, and won the trick; after which there was a coalition of factions and a suspension at least of violent intrigues, enabling Long-leg's eldest son Hugh to choose a wife from an ultra-nationalist house, to wit, that of Abernethy. The indenture between Sir Hugh de Abernethy and Sir William de Douglas for this marriage is the earliest charter of the Douglasses which has escaped destruction. It is dated 1259.³

Sir William died before 16th October 1274. It is doubtful whether his eldest son Hugh survived him. Little is known about him beyond the fact of his marriage with Marjory de Abernethy, and tradition points to a recumbent figure in St. Bride's Church as

¹ William de Douglas is mentioned in the Pipe Rolls in 1241 as surety for a payment by Michael Fitz Michael of Ryhulle. In 1256 he granted the lands of Warentham or Warndon, in Northumberland, to his second son William.—Bain, i. 394.

² Sir William Fraser discredits Godscroft's allegation that William Douglas the elder joined a Crusade about 1270, because he was then above sixty years of age, and therefore reckoned disqualified for war or duelling.—Fraser, i. 63, note.

³ The seal appended to this instrument has unfortunately disappeared, but Sir Richard Maitland of Lethington and Hume of Godscroft both testify to having seen it; Godscroft observing that "the letters thereon are worn away and not discernible save only W^{ll}, and the arms seem to be three stars or mullets at the upper end thereof. But I cannot be bold to say absolutely they were so." This is the earliest recorded instance of the original bearings of Douglas.

marking her tomb. Tradition also is the only warrant for an exploit attributed to her husband Hugh by Maitland and Godscroft. Hugh is said to have got into feud with one of his neighbours in Douglasdale, Patton Purdie of Umdrawod, who laid an ambush for Hugh as he rode alone. Hugh, perceiving the trap in time, turned and galloped off, pursued by Purdie's men, till he met a party of his own people, when he in turn became the pursuer and inflicted severe punishment upon his assailants. Purdie and two of his sons were slain, and Maitland quotes some doggerel in which the affair was commemorated—

"Pattane Purdie brack a chaise
 Upon the Lord Douglas;
 Hugh Lord Douglas turned againe,
 And there was Patton Purdie slaine."¹

Upon Hugh's younger brother, William "le Hardi," the light of history falls clearly. He is first mentioned in the proceedings of an assize at Newcastle-on-Tyne in 1256, when his father, Sir William, reported that he had granted him a carucate of land at Warndon in Northumberland for his homage and service.² About the year 1264 Sir William, the father, purchased the house and lands of Fawdon in the same county. These he held as the vassal of a Scottish noble, the Earl of Angus. But this earl was none other than the English knight, Gilbert de Umfraville, Lord of Redesdale, who had come by that great earldom through his mother, and now laid before Prince Edward (afterwards Edward I.) charges of disaffection against Douglas, begging a gift of his manor of Fawdon. The case was tried before a jury, Douglas being acquitted and Fawdon restored to him. Thereupon Umfraville, taking the law into his own hands, attacked the house of Fawdon with a hundred men on 19th July 1267, captured it, appropriated 31½ marks in cash, besides silver spoons, cups, clothes, arms, jewels, gold rings, etc., to the value of £100, carried Douglas off

vi. Sir
 William de
 Douglas,
 "le Hardi."

¹ Maitland's MS., Hamilton Palace, quoted by Fraser.

² Bain, i. 394.

and imprisoned him in Harbottle Tower. In the *mellay* young William Douglas was wounded in the neck nearly to death.¹ A second trial followed in 1269, whereat Douglas was adjudged owner of Fawdon, and Umfraville was fined.²

William le Hardi was knighted before 1288. In that year Duncan, Earl of Fife, one of the Six Guardians, was foully done to death at Pitteloch in Fife by Sir Hugh de Abernethy and other gentlemen of the opposition. Now Sir Hugh was the brother of Douglas's sister Marjory, and in those days kinship commonly overrode other civil obligations; but on this occasion the Douglas was all for law and order; it was to him that Sir Andrew de Moray handed over Abernethy, to be imprisoned in the vaults of Douglas Castle, where he died before 1293. Not often did captives survive for long the intolerable rigours and unwholesomeness of mediæval dungeons. In 1291 Edward I., as overlord of Scotland, ordered the transfer of Abernethy from Douglas to one of the royal prisons, but his commands were not obeyed.³

In 1289 Douglas sent a messenger from Glasgow to the Abbot of Kelso to receive his family charters, which had been stored in the cell of Lesmahagow for safety.⁴ In the receipt for these Douglas styles himself Lord of Douglas—the first instance of the use of that title. He had married Elizabeth, daughter of Alexander the Steward, but she was dead before 1288, nor was the widower so disconsolate as to omit business considerations in the choice of a second spouse. Moreover, in giving effect to that choice he proved the fitness of his sobriquet—"le Hardi."

A certain wealthy widow, Eleanor, daughter of Matthew, Lord of Lovaine, and relict of William de Ferrers, Lord of Groby, had obtained from King Edward a handsome dowry from her husband's English lands, and also from his possessions in five Scottish counties. Coming north to collect her

Abduction of
Eleanor de
Ferrers, 1288.

¹ *Ita quod fere amputaverunt caput ejus*—So as nearly to cut off his head.—*Placitorum abbreviatio*, p. 166.

² Bain, i. 485.

³ Fraser, iv. 1.

⁴ *Liber de Calchou*, i. 168.

rents in 1288, she took up her abode in the castle of Tranent with Eleanor de Zouch, widow of Alan de Zouch, and joint-portioner in the barony of Tranent. These fair dames were greatly agitated, it may be believed, when one morning they beheld their house beset by a force under Sir William Douglas and John Wishart, a border baron. Robbery and the worst kind of violence were no uncommon incidents in country life in the thirteenth century, but in this case the marauders contented themselves with carrying off Dame Eleanor de Ferrers. The lady was not implacable, apparently regarding abduction as the highest compliment that could be paid to her charms, and married her rough wooer. King Edward was not so easily appeased, but ordered the sheriff of Northumberland to seize all Douglas's possessions in Northumberland [28th January 1289], and directed him to imprison the culprit if he could lay hands upon him.¹

The sheriff reported in April that he had seized all the lands and tenements of Douglas and Wishart lying within his jurisdiction, and applied for a special mandate to seize those of John Wishart lying within the jurisdiction of Thomas de Normanville.² King Edward also addressed the Guardians of Scotland [27th March], demanding the immediate arrest and delivery of Sir William Douglas and Eleanor;³ but they do not seem to have made any reply. Matters touching the independence of the northern kingdom may have made them sensitive to the imperious note in the *mandamus* of the English King; moreover, Douglas had powerful friends at Court, one of the Guardians being James the Steward, brother of his first wife, and another Comyn, Earl of Buchan, brother-in-law of his second. This notwithstanding, Douglas fell into King Edward's hands, and was confined in Leeds Castle. Edward's wrath seems to have evaporated quickly, for in May 1290 the captive was set free, his lands and those of John Wishart restored to them, on security given for their compearance before the King within fifteen days from 27th January

¹ Bain, ii. 92.

² *Ibid.*, p. 93.

³ Stevenson, i. 83.

1291.¹ Dame Eleanor was fined £100 for her offence in marrying without the King's leave,² but circumstances arising to interfere with the production of the fine, King Edward had to help himself in 1296 by confiscating her manors in Essex and Hereford.

The circumstances referred to arose out of the disputed succession to the Scottish throne. Alexander III., last of the "Kings of Peace," had perished on the cliffs at Kinghorn; the projected marriage of his granddaughter, young Queen Margaret of Scotland, with Edward, Prince of Wales, miscarried through her untimely death, and the realm was rent by divers claimants—

"Quhen Alysandyr our King was dede
That Scotland led in love and lé,
Away wes sons off ale and brede,
Off wyne and wax, off gamyn and gle;
Oure gold wes changyd into lede;
Christ, born into Vyrghnytté,
Succour Scotland, and remede!
That stad is in perplexyté."³

The time had come to take sides. Douglas's name appears among those of Scottish barons confirming the treaty of Salisbury [November 1289]; it was appended also to the letter from the four Guardians, forty-four ecclesiastics, twelve earls, and forty-seven barons who sent a letter to the King of England approving of the rumoured project of a marriage between his heir and the Queen of Scots; and, while-as King Edward's writs were out for his arrest, he sat among his peers at Birgham when the treaty defining the future relations of the two kingdoms was struck [18th July 1290].

At Norham, on 2nd June 1291, the Guardians of Scotland delivered the realm into the hands of Edward I. as Lord Paramount. On the 5th July following King Edward was staying at Sir Walter de Lindsay's manor of Thurston in East Lothian, and in the chapel there received Douglas's oath of fealty;⁴ but towards the end of the same year, and for

Douglas
swears fealty
to Edward I.,
5th July 1291.

¹ Stevenson, i. 154.

³ Wyntoun, vii. x. 3619.

² *Ibid.*, p. 214

⁴ Bain, ii. 123.

certain transgressions whereof the nature has not been explained, his lands in Douglasdale were forfeited to King Edward, who, in January 1292, exercised the right of patronage thus acquired by presenting Master Eustace de Bikerton to the church of Douglas.¹

John de Balliol, having been crowned King of Scotland on 17th November 1292, in accordance with King Edward's award, held his first Parliament at Scone on 10th February following. Douglas, failing to attend thereat, was proclaimed a defaulter, together with Robert de Brus, Earl of Carrick [the Competitor], Angus, son of Donald of the Isles, and John, Earl of Caithness. Douglas, however, attended the second Parliament of John [Stirling, 3rd August 1293], when he was imprisoned on a charge of deforcing the royal officers when they had come to Douglasdale to give effect to a judgment in favour of his mother, Constance, in an action brought against her son. Hereupon became manifest the inconvenience of attempting to serve two masters, for while Douglas lay in prison under King John's warrant he ought to have been on his lands in Essex on the service of King Edward, who fined him £20 for his absence. Edward had the clemency to remit this fine, though on terms somewhat derogatory to King John's authority—"whereas our beloved and faithful William of Douglas was in *our* prison by *our* instructions," etc.²

When at last accumulated affronts, of which this is a very mild specimen, broke down the patience of the Scottish King, and drove him to renounce his allegiance to Edward, Sir William le Hardi ranged himself with the patriots. Strengthened by an alliance with France and Norway,³ the Scots threw down the gauntlet to England, and Douglas was appointed governor of their most important commercial port, Berwick-on-Tweed. Edward appeared before the walls on 29th March 1296, with 5000 cavalry and 30,000 infantry, his ships lying off the river mouth. The place was taken by storm on Good

The sack of
Berwick,
1296.

¹ *Rotuli Scotiae*, i. 7.

² Stevenson, i. 403.

³ *Ibid.*, ii. 8.

Friday, the 30th, and was given over to the massacre that left such a dark stain on the memory of King Edward. It went on for two whole days, Bower, a Scottish authority, estimating the slain of both sexes at 7500; Hemingburgh, from an English standpoint, making it over 8000. Wynthoun, Prior of St. Serf's, has left a graphic description of the horrible scene; and the command of Edward to stay the slaughter being rendered in French seems a touch of true portraiture—

“ Thus thai slayand ware sa fast
 All the day, quhill¹ at the last
 This Kyng Edward saw in that tyde
 A woman slayne, and off hyr syde
 A baruc² he saw fall out, sprekland³
 Gesynd that woman slayne lyand.
 ‘Lasses, lasses!’⁴ than cryid he;
 ‘Cebe off,—Cebe off!’ that word suld be.”⁵

Then with a flash of honest ire he exclaims—

“ The sawlys⁶ that he gart⁷ slay down thare,
 He send, quhare⁸ his sawle nebermare
 Wel like to come, that is the blys,
 Quhare alkyn joy ay lestand⁹ is.”¹⁰

The garrison of the castle, some two hundred in number, surrendered after the sack of the town, with Douglas at their head. They were all released on parole except their commander, who was put in ward. His lands in Essex were seized, and the sheriff of that county reported that he had arrested at Stebbing Douglas's son Hugh, nearly two years old, till further instructions.¹¹

After the defeat of the Scots at Dunbar [28th April], and King Edward's triumphal progress through Scotland as far as Elgin, Douglas regained his liberty, but at the

¹ Until.

² A child.

³ Sprawling.

⁴ Laissez!

⁵ Wynthoun, viii. 9.

⁶ Souls.

⁷ Caused.

⁸ Where.

⁹ Where every joy is everlasting.

¹⁰ Wynthoun, viii. 9. Buchan's raid upon Tynedale took place on 8th April, when similar horrors took place, probably in reprisal.

¹¹ Bain, ii. 173.

price of enacting the dishonourable farce soon to become customary among the Scottish nobility, namely, renewing the oath of fealty to the King of England. His seal was appended to the famous Ragman Roll, and of his kinsmen who also did homage on this occasion may be noted Freskin de Douglas¹ and William, son of Andrew de Douglas,² both

Douglas
signs the
Ragman
Roll, 28th
Aug. 1296.

of Linlithgowshire. Two days later, on the 30th August, Douglas's lands in six Scottish counties—Fife, Dumfries (probably including the upper ward of Lanarkshire), Wigtown, Berwick, Ayr, and Edinburgh—were restored to him by order of the King; but by a grave error of policy his English possessions were forfeited, thereby destroying the most powerful inducement to Douglas to remain faithful to his allegiance—self-interest, to wit.³ Fawdon in Northumberland was made over to Douglas's old enemy, Gilbert, Earl of Angus.⁴



Fig. 4.—Seal of Sir William of Douglas (le Hardi), 1296.⁵

Of the barons of Scotland, many were safe in English prisons, where the fortune of war as declared at Dunbar had cast them; upon the rest, some sense of decency and regard for their accumulated oaths to Edward kept a degree of restraint for a time. But the national spirit was not utterly quenched; it smouldered ominously among the lesser gentry and peasantry, soon to break out in formidable revolt under the capable guidance of William Wallace. Warned of the general unrest, Edward summoned Douglas and fifty other Scottish barons to meet him in London on 7th July 1297, to accompany him on his expedition to Flanders.

But it was nearly a year since Douglas and his peers had last sworn allegiance to Edward; vows, even when made upon the Gospels, the consecrated host, the black

¹ Bain, ii. 205.

² *Ibid.*, 208.

³ These English lands were restored to Sir James Douglas [vii.] by Edward III. in 1329, "by special favour."—*Ibid.*, iii. 178.

⁴ *Ibid.*, ii. 265.

⁵ Fraser, i. 17.

cross of St. Neots, and all the rest of it, were not proof against the tests of time and circumstance. Most of the

barons held aloof from the lead of Wallace the landless; but Bishop Wishart of Glasgow, Sir Alexander de Lindsay, and Andrew de Moray

of the house of Bothwell had joined him—good enough company for Douglas, who once more threw his allegiance to the winds and marched a contingent to the national muster at Irvine. Bruce the Competitor was dead; his son, Robert de Brus '*le viel*,' was Edward's governor of Carlisle; his grandson, the young Earl of Carrick, afterwards to become King of Scots, renewed his oaths to the English King, and, strange preface of what was soon to come, swooped down upon Douglasdale to avenge the treason of its absent lord. He sacked the castle, and carried off Dame Eleanor and her children to Lochmaben. But lo! how lightly those great barons stooped to perjury; it was but the bold player's finesse in the game of politics. The Earl of Carrick's next public appearance was in July 1297, at the head of his men of Annandale in the insurgent camp at Irvine. The Scottish army was strong in numbers, but sorely enfeebled by jealousy and dissension among its leaders. Over against them lay a force despatched under Percy and Clifford by the Earl of Surrey. Sir Richard de Lundin, disgusted with the wrangles in the Scottish camp, rode over to the English, vowing that

he would have no more part with men who could not agree among themselves. The rest submitted

to King Edward's grace, all but Wallace, who rode off with a handful of stalwarts into Selkirk Forest, soon to be heard of again.

Douglas surrendered to his parole at Berwick on the day appointed, but, failing to produce the stipulated hostages, was straitly imprisoned. On 24th July the Constable of Berwick wrote to King Edward: "Sir William de Douglas is in your castle of Berwick in irons, and in safe-keeping, God be thanked, and for a good cause, as one who has well-deserved it. And I pray you, if it be your good pleasure, let him not be liberated for any profit or influence, until

Joins the rising of Wallace, 1297.

The submission of Irvine, July 1297.

you know what the matters amount to in regard to him personally.”¹ Writing again a little later the Constable says: “Sir William de Douglas has not kept the covenants he made with Sir Henry de Percy; he is in your castle of Berwick in my keeping, and he is still very savage and very abusive [*uncore mout sauvage e mout araillez*], but I shall keep him in such wise that, if it please God, he shall not escape.”

After Wallace's victory over Surrey and Cressingham at Stirling [11th September 1297] the English evacuated Berwick, taking with them their prisoner Douglas, who, being committed to the Tower of London, died there some time before January 1299, in which month King Edward directed the restoration of her dower lands to Dame Eleanor.² But the lands of Douglasdale were bestowed upon Sir Robert de Clifford. There were still arrears of £81 due by the deceased, in respect of the fine for abducting Dame Eleanor; this sum the Sheriff of Northumberland was ordered to levy off Douglas's former estate of Fawdon.³

Sir William de Douglas left three sons—(1) James [vii.], by his first wife Elizabeth Stuart; (2) Hugh [viii.], and (3) Archibald [ix.], by his second wife, Eleanor de Ferrers.

¹ Stevenson, ii. 205.

² Bain, ii. 269.

³ *Ibid.*, 437.

CHAPTER II

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OF all the house of Douglas in its three main branches and endless ramifications there is none, if it be not that later

James who died at Otterburn, round whose memory is gathered so much romance and knightly lore, none who has earned the same degree of proud affection from his countrymen, as "the Good" Sir James of Douglas [vii.], who succeeded his father William in his honours, and ultimately won back his estates while winning the kingdom for his liege lord.

vii. "The Good" Sir James of Douglas.

He was still very young when his father breathed his last in the Tower—

. . . "Ane litill knaf
That was bot ane litill page." ¹

Barbour is authority for the statement that, while Edward I. was besieging Stirling in the spring of 1304, young James of Douglas was brought into his presence by Lamberton, Bishop of St. Andrews.² The prelate asked that the young man might be permitted to do homage and receive back his lands.

"What lands doth he claim?" quoth the King.

"The lordship of Douglas, under your pleasure, sire; whereof his father was lord."

"Sir bishop!" exclaimed the King angrily, "you cannot by your fealty speak of this to me. His father was a traitor; let him seek land where he may; he shall not have these, for Clifford, who holds them, has ever served me loyally."

We hear no more of young Douglas for nearly two years, during which he probably lived with Bishop Lamberton, who had meanwhile matured his privy compact with Robert Bruce. Then befel the tragedy in the Grey Friars' Church of Dumfries, when Bruce slew John Comyn under trust [February 1306]. Bruce straightway rode to Glasgow, where Bishop Wishart, notwithstanding the six several occasions on which he had sworn fealty to Edward,³ received the assassin with effusion, gave him solemn absolution, and cut up his own episcopal vestments to serve as coronation robes.

When news of these events reached St. Andrews, says Barbour, James Douglas went before Bishop Lamberton and vowed he would serve with Bruce, and so recover his own rightful heritage from Clifford. Lamberton entirely approved of this high resolve, gave him money and his bless-

¹ *The Brus*, v. 14.

² James Douglas's mother died before 1288, therefore he could not have been less than seventeen at this time.

³ Bain, ii. 490.

ing, and told him to take his [Lamberton's] own palfrey, Ferand, for the journey, authorising him to use force should the groom object to let the animal go. Object the groom did, and was promptly cut down by Douglas, who joined Bruce in time for the coronation at Scone [27th March 1306]. One of the ancient ceremonies at the crowning of Scottish Kings was the piling of a mound, called *Omnis terra*, to which every baron contributed a handful of soil from his lands. Godscroft declares that Douglas added thereto some earth from Douglasdale, which, if not literally true, is doubtless what the young squire would have done under more convenient circumstances.

From that time forward Douglas was more closely associated with the fortunes of the King of Scots and the independence of his realm than any other individual. One follows his career with the keener sympathy, in that, alone of all the chevaliers of Bruce's following, he was free from the taint of broken faith. Edward had rejected his fealty offered at Stirling; Douglas had borne no part in the murder of Comyn; heart-whole and with unblemished honour he threw in his lot from the first with the national cause.

That cause received an ominous check at the outset. On Sunday, 26th June 1306, Aymer de Valence attacked the Scottish forces, inferior to his own by some 1500, in the woods near Methven and scattered them. Bruce, unhorsed by Sir Philip de Mowbray, was rescued by his brother-in-law, Sir Christopher de Seton, and escaped with difficulty from the field, accompanied by his brother Edward, Athol, Gilbert de la Haye, Nigel Campbell, and James Douglas.

The King's nephew, young Thomas Randolph, afterwards to do his uncle splendid service as Earl of Moray, was taken prisoner with a number of knights.

After wandering for some weeks in the Highland hills, Bruce ventured to the neighbourhood of Aberdeen, where he was joined by his Queen, his daughter Marjorie, and his

James
Douglas de-
clares for
Bruce, 1306.

The Battle
of Methven,
26th June
1306.

two sisters. Then they hied back to the wilds of the west, relying chiefly, it seems, upon Douglas as their caterer—

“Gut worthy James of Douglas
 By trabaland¹ and besy was
 For to purchas the ladyis met,²
 And it on many wis³ wald get.
 For quhile⁴ he benesoun tham brocht,
 And with his handis quhile he wrocht
 Gynnys⁵ to tak geddis⁶ and salmounis,
 Troutis, elis and als menounis.”⁷

Coming upon the borders of Lorn, they found themselves in great peril, for not only were the Macdoualls of Lorn of the same blood as those of that name in Galloway—sworn foes of Bruce, but Alexander of Argyll had married an aunt of the murdered Comyn. The wanderers were attacked by a strong force under John of Lorn, at a place still called Dalry—the King’s field—and severely handled, Douglas receiving a serious wound.⁸ On the approach of winter the King of Scots appointed his brother Nigel and the Earl of Athol to escort the royal ladies to Kildrummie Castle, and set off with 200 followers to take shipping for the Western Isles. Arriving on the shore of far-stretching Loch Lomond, the fugitives found themselves in a dilemma, one end of the lake lying in the territory of Lorn, the other being guarded by King Edward’s constable of Dunbarton—Sir John Menteith, the captor of Wallace. Douglas, ever alert and resourceful, found a sunken boat, which he managed to patch up to serve as a ferry. It would only carry three passengers at once, and the whole night was spent in crossing the water, King Robert beguiling the time by reading aloud the romance of *Ferambras and Oliver*.

To the King’s ragged troop the west shore of Loch Lomond was friendly soil, for here Malcolm, Earl of Lennox,

¹ Travailing, industrious.

² Meat.

³ Wise, manner.

⁴ Sometimes.

⁵ Snares.

⁶ Pike.

⁷ Eels and also minnows.—Barbour’s *The Brus*, xvii.

⁸ Barbour’s narrative is here confirmed by a letter from King Edward to the Prince of Wales, 14th September, heartily acknowledging John of Lorn’s services at this time.—Bain, ii. 490.

held sway. But it was no secure resting-place. Ships were obtained in the Clyde, and for three days King Robert was the guest of Angus of the Isles in the castle of Dunaverty, in Cantyre. With a following increased to 300 he sailed again, only just in time, for Dunaverty was closely invested by John of Lorn immediately after he left it.¹ The little band spent the dark winter months in the bleak Isle of Rathlin, off the Irish coast, and by extraordinary good fortune escaped detection by the fleet which King Edward sent to hunt them out.²

Towards springtide Douglas, ill brooking the enforced idleness of life in Rathlin, persuaded Sir Robert Boyd to join him in an attempt upon the castle of Brodick, in Arran, which was in the custody of Sir John de Hastings.

Boyd, who knew Arran well, was nothing loth, and the two chevaliers, landing by night near the castle with a sufficient force, drew their galley ashore, concealed the oars and tackle, and crept into ambush at daybreak.³ Fortune favoured them. Hastings, probably finding life as monotonous on Arran as Douglas had found it on Rathlin, had a number of guests staying with him. Three vessels had arrived overnight with wine, victual, and arms, and the garrison turned out to bear a hand in landing the cargo. Waiting till the men were returning up the shore heavily laden, the Scots rushed from their ambush and easily overpowered them. Those still within the castle attempted no rescue, but shut the gates, leaving Boyd and Douglas free to make off with a most acceptable booty of arms, food, and clothing.

Successful
raid upon
Brodick,
1307.

¹ Bain, ii. 491.

² *Ibid.*, 502. It was during this winter that the famous episode of Bruce and the spider was alleged to have taken place. I have elsewhere [*Robert Bruce and the Struggle for Scottish Independence*, pp. 14-16] given reasons for relegating this to the category of myth, which are certainly not weakened by the fact that the laborious Godscroft, in the draft of his manuscript preserved at Hamilton, makes James Douglas the hero thereof, and not the King.

³ Boyd was a knight, Douglas was not, therefore Boyd would naturally be in command of the party; but Barbour attributes all the credit to Douglas, doubtless because of Douglas's superior subsequent fame.

Word of this success was sent to King Robert in Rathlin. In ten days' time he arrived with thirty-three small galleys, and, being taken by a woman to the mouth of "ane woddy glen" where Boyd's party had bivouacked, he winded a blast upon his horn.

"That is the King!" cried Douglas,—“I know his blast of old.”

"No fear but that is the King," said Boyd, and hearty was the meeting that followed.

Bruce was now within sight of his own earldom of Carrick. How he surprised Percy in Turnberry Castle, and led his band into the fastnesses of the Galloway hills, need not be recounted here, nor the disaster which overtook his brothers Thomas and Alexander when, probably acting in concert with the King of Scots, they landed in Loch Ryan with some hundreds of Irish kernes. As soon as his King was safe in the shelter of Glen Trool, Douglas set off with two companions to reconnoitre his paternal lands in Douglasdale. He went to Hazelside, where lived Thomas Dickson, an old servant of his father, who welcomed him warmly and assured him that the harshness of the English garrison had paved the way for revolt. At Hazelside Douglas lay, and in a few days had gathered to himself a staunch company of his own people. He laid his plans for Palm Sunday [19th March 1307], when the garrison of the castle would parade for divine service in St. Bride's Church. On that morning his followers assembled, with arms under their frocks, Douglas himself disguised as a thresher, flail in hand.

The "Douglas Larder," 1307. The soldiers marched over from the castle and were seated in the chancel, palms in hand, Douglas and his men following quietly and taking their places with the ordinary congregation in the body of the church. The concerted signal for action was to be given by their leader, but one of his fellows lost his head and prematurely cried, "A Douglas!—A Douglas!" Dickson, nearest the chancel, started up and drew his whinger, but was instantly cut down. In the fierce conflict which followed the English were overpowered, and all slain or

taken.¹ Then back to the castle, where the porter and cook left in charge offered no resistance. Douglas and his men sat down to the dinner prepared for the garrison; after which, horrible to say, they beheaded their prisoners, killed the horses, staved the wine casks, and piling all in a heap, set fire to the castle, which was burnt to the ground. Then Douglas marched off with his recruits to rejoin the King in Glen Trool. Such was the "Douglas Larder," whereof the horror was too great for the stomach even of Douglas's panegyrist Barbour—

"For mele and malt and blad and wyn²
 Ran all togidder in a mellyn,
 That was unsemly for to se:
 Tharfor the men of that cuntre,
 For sic thingis thar mellit³ wer,
 Callit it the Douglas lardener."⁴

Sir Robert de Clifford brought a number of workmen from the south and set them to rebuilding the castle. This must have taken many months, and we have no knowledge of how Douglas spent the interval. If he was not actually with the King in Glen Trool he was probably wandering about the outskirts of the southern uplands. But no sooner was the work on Douglas Castle complete, and reoccupied by an English garrison under a captain named Thirlwall, than its indomitable young lord attacked it again. He caused a few of his men to drive off some cattle grazing in the meadows round the castle, keeping the main body in ambush at Sandilands, not far off. Warden Thirlwall, leading a detachment to drive off the marauders, fell into the snare and was slain with several of his men. The rest escaped into the castle, which Douglas failed to capture this time.

Barbour, the chief authority for this exploit, is somewhat more than shaky in chronology, and several other events in the spring and summer of 1307 must have preceded it. For instance, it was immediately after the affair at Turnberry

¹ Thirty in number, says Barbour.

² Wine.

³ Mingled.

⁴ Barbour's *The Brus*, xlii.

Second
 assault on
 Douglas
 Castle, 1307.

Castle, in February or early March, that King Edward had commissioned Aymer de Valence, Earl of Pembroke, to march from England with a strong force and co-operate with Percy, sheriff of Ayr, St. John, sheriff of Dumfries, Macdouall of Galloway, and John of Lorn, who brought 800 light-footed Highlanders from the north,¹ in surrounding Bruce in his hiding-place. Never was Bruce's cause at so low an ebb. Barbour's estimate of his following at this time, 150 to 300, is probably accurate, certainly more nearly so than Hemingburgh's preposterous guess of 10,000. The good monk had never seen the Galloway hills, nor knew how impossible it would be to feed such a force there. Douglas, fresh from the Douglas larder, rejoined the King of Scots when he was falling back before Pembroke's advance by way of Dalmellington and Loch Doon. They very nearly fell into the hands of the Highlanders, whom Lorn had led to outflank the King's party on the west. The King divided his people into three bands, giving them rendezvous at Craigencallie, the lonely residence of a widow.² Lorn had a bloodhound which once belonged to Bruce; he slipped it, and the dog settled on his old master's track. The King caused his immediate followers to scatter, and in the end managed to throw the hound off his scent by travelling down the bed of a stream. Next day, alone and faint with hunger and fatigue, he ventured to the tryst at Craigencallie, where Douglas and Edward Bruce met him, Douglas reporting that a party of English were bivouacked not far off on Raploch Moss, and were keeping indifferent watch. The rest of the King's men

Affair of
Raploch
Moss, 1307.

¹ Pembroke's warrant has been preserved, providing pay to John of Lorn for 22 men-at-arms and 800 foot.—Bain, ii. 250. This exactly tallies with Barbour's statement of numbers—

“Johne of Lorne and all his nicht,
That had of worthy men and wicht
With him aucht hundreth men and ma.”

The Brus, lii.

² Whose memory is preserved in the name Craigencallie, i.e. *creag na cailleaich*, the old woman's crag.

having assembled, an attack was made on the sleeping English before daybreak, many of whom were slain and the rest scattered. A huge boulder, still called the King's Stone, marks the place where Robert is said to have rested after this successful affair.

Having inflicted a crushing defeat upon de Clifford or de Waus, or both of them, whom Pembroke caused to enter Glen Trool from the south with 1500 dismounted horsemen, Bruce escaped through the cordon drawn round him, and appeared suddenly at the beginning of May in north Ayrshire. Pembroke sent Sir John de Mowbray¹ to reconnoitre King Robert's dispositions; King Robert detached Douglas to watch Mowbray. Near Kilmarnock—

“That is in Machyrnokis way,
The Edrefurd it hight perfar”—²

Mowbray fell into an ambush prepared by Douglas, and his party was routed with slaughter. A few days later [10th May 1307] de Valence, with 3000 splendidly equipped cavalry, attacked Bruce in a strongly entrenched position on Loudon Hill, and was badly beaten. Barbour says that Douglas was present at this action; perhaps it was only garrison gossip that finds place in a letter written five days later by one of King Edward's officers in Carlisle, to the effect that James de Douglas had sent messengers to crave admission to the King of England's peace, but that he had changed his mind when Pembroke began to retreat.³ Well is it for the fame of Douglas that he was saved from deserting his King, for Loudon Hill was the turning-point in the war. The greatest and best of the Plantagenets died on 7th June—a most puissant knight, a faultless commander, a shrewd lawgiver—leaving the conduct of affairs in the hands of favourite-ridden Edward of Carnarvon. Putting himself at the head of the forces mustered at Carlisle by his father,

¹ Not Sir Philip, as Barbour has it, confusing him with the governor of Stirling Castle seven years later.

² *The Brus*, lx. 33.

³ Bain, ii. 526.

Edward invaded Scotland in the first week of August, and penetrated as far as Cumnock ; but on the 25th he began his march back again and disbanded his army.

King Robert went north in the autumn, leaving his brother Edward and James Douglas to maintain his cause in the Lowlands. Douglas's first enterprise was against his own castle—

“The aventurous castell of Douglass,
That to kep sa peralous was.”

Having laid an ambuscade near the castle about the time of Lanark fair, he sent fourteen of his men, with peasants' frocks over their armour, to lead horses bearing sacks stuffed with grass in full view of the walls. The English, being short of provender, beholding, as they imagined, a string of packhorses carrying corn to the fair, saw the chance of acceptable plunder. Sir John de Wanton, Clifford's constable of Douglas, sallied out in person at the head of a party to capture the convoy ; but just as he overtook it the seeming peasants pushed off the sacks, sprang to saddle, and fell to, while Douglas broke from his ambush and took the English in rear. De Wanton and his party were slaughtered ; the garrison, left without a leader, surrendered at discretion ; their lives were spared, but once more the castle, newly rebuilt, was razed to the ground. Clifford had appointed de Wanton, a gallant young knight, at his own request ; for de Wanton's lady-love had refused to have anything to say to him until he had proved himself “ane gud bachelor,” by holding this most dangerous post for a whole year for the King of England.¹

King Robert was but three-and-thirty in this year [1307], but hardship and exposure had told severely upon him, and he lay at death's door for several weeks in Inverurie, while Buchan and de Mowbray were preparing forces to attack him. Barbour puts the troops with the King of Scots at this time at no more than 700 ; nevertheless,

¹ This third assault upon Douglas Castle is the chief incident in Scott's romance, *Castle Dangerous*.

having recovered from his sickness, he gathered enough men in the following spring to surprise and defeat Buchan at Old Meldrum [22nd May 1308], and to lay waste his enemy's lands in what was long remembered as the "Hership of Buchan."¹ The Earl of Buchan left the district to its fate, repairing to Galloway, where he owned great estates, and of which King Edward appointed him warden. Mowbray went with him to become warden of Annandale, and Sir Ingelram de Umfraville warden of Carrick.² King Edward also appointed Robert de Umfraville, Earl of Angus, and Sir William de Ros of Hamelake his joint Lieutenants and Guardians of Scotland in place of the Earl of Richmond.² North of the Forth the command was placed in the hands of Douglas's kinsman, Sir Alexander de Abernethy, Sir Edmund de Hastings, and Sir John Fitz Marmaduke. On paper, therefore, the English organisation for the subduing of Scotland left nothing to be desired, but the Hership of Buchan in the north and Douglas's activity and popularity in the south had wrought a notable change in the spirit of the country. In proportion as the clouds were gathering round the unlucky Edward they were breaking away from the horizon of Robert the Bruce.

Douglas had been busy among the men of Tweeddale, where the tenants of Aymer de Valence, upon whom much of that fair vale had been bestowed, declared for the King of Scots. Arriving late one night at a house on the Water of Lyne where he meant to lodge, he found it occupied. Creeping close to a window, he learnt from what he heard that the inmates were of the English party. He immediately drew his men round the house, broke open the door, and surprised the party within before they could get into their harness. There was a short scuffle in the dark; Adam de Gordon and most of his men escaped, others were slain, but two prisoners of the first importance remained with Douglas, none other than

Capture of
Thomas Ran-
dolph, 1308.

¹ The harrying or wasting, the act of a destroying army; from the Anglo-Saxon *here*, an army.

² Bain, iii. 9.

King Robert's nephew, young Thomas Randolph [afterwards Earl of Moray], and Sir Alexander of Bonkill, brother of James the Steward and first cousin of Douglas.

When Douglas brought his prisoners before King Robert, Randolph defied his uncle, taunting him with making war after the manner of a brigand rather than of a knight, so the King quietly committed him to prison, where meditation wrought so well upon his political judgment that before March 1309 he had incurred forfeiture of his manor of Stichel, which King Edward bestowed upon Randolph's former chief, Adam de Gordon. Thenceforward he and James Douglas were rivals in loyal and effective service to the King of Scots.

King Robert had some old scores to pay off in Argyleshire, and marched thither by the foot of Ben Cruachan, probably in August 1308. John of Lorn held the Pass of Brander in force; the King detached Douglas to outflank the clansmen, and then delivered a frontal attack. The mellay was fierce and thick; when it was at the hottest Douglas fell upon the flank and rear of the Highlanders, who broke and fled in every direction. This was followed by the siege and capture of Dunstaffnage, which was surrendered by Alexander of Argyle in time to allow Douglas to take his seat in the first Parliament of Robert, which met at St. Andrews on 16th March 1308-1309, and to plead pressing engagements at home in declining Philip of France's invitation to join in a new crusade.

Negotiations for a truce were now set afoot [February 1309], but these soon broke down, and King Edward was over the border again in September, passing to Renfrew and Lanark [15th October] and Linlithgow [23rd-28th]. King Robert's sound strategy was to avoid a pitched battle, wasting the country so effectually that Edward had to retire to Berwick for winter quarters. The interrupted peace negotiations were renewed, as futile as before, and in August 1311 the Scots were raiding the north of England in their best manner, and again in September, when

Battle of Pass
of Brander,
1308.

Douglas looted Hartlepool. In the course of the next twelve or eighteen months one after another of the English garrisons surrendered to the Scots; over the castles of Buittle, Dalswinton, Caerlaverock, Perth, Dumfries, and Linlithgow the tressured lion flew in place of Edward's leopards. This brings us to the memorable year 1314, which opened with a daring exploit by James Douglas.

Roxburgh Castle, of which scarce a vestige now remains, was then a strong place of great importance commanding the middle Marches. It still held for Edward under Sir William de Fiennes, a knight of Gascony. On Shrove Tuesday [6th March], while the garrison were making merry on the eve of Lent, Douglas caused sixty picked men to shroud their armour in black frocks and approach the castle on all fours in the gloaming, trusting that the sentries would mistake them for cattle grazing. This naïve stratagem succeeded better than might have been expected. One Sym of the Ledhouse had fashioned rope ladders with hooks to fling over the battlements, and was the first to scale the wall, slaying the sentry on the rampart. Douglas and his men followed, and surprised the garrison at their dance in the great hall. De Fiennes, the constable, held out in the keep till next day, but being wounded in the face, mortally as it turned out, surrendered, and was allowed to march out with the honours of war.

In the same season of Lent, Thomas Randolph captured Edinburgh Castle by a pretty escalade. Of all the strengths of Scotland, only Berwick, Stirling, Bothwell, and perhaps Lochmaben still remained to the English. Just a year before, the King's chivalrous brother, Edward de Brus, had laid close siege to Stirling Castle; the governor thereof, Sir Philip de Mowbray, proposed a suspension of arms on condition that he would surrender town and castle if he were not relieved by Midsummer Day, 1314. What would now be termed "sporting offers" of this nature were often made and taken in the heyday of chivalry, and this one was rashly accepted by Edward Bruce. Robert was very

Capture of
Roxburgh
Castle, 1314.

angry when he heard of it, because it involved that which he had consistently avoided, namely, matching his indifferently armed levies against the fully equipped soldiers of King Edward in the open field. However, Prince Edward's word had been passed; that of Bruce, pledged in a matter of chivalry, was not to be so lightly broken as official oaths of fealty; it must be fulfilled even to the hazard of the realm; there was nothing for it but to put the fortunes of Scotland to the touch.

Immense preparations were made in England, and before the appointed day a splendid army of 50,000 horse and foot¹ crossed the border and advanced northward, the English fleet co-operating and carrying supplies. Against this mighty array, led by the most powerful barons of England,² with all the latest improvements in armour and weapons, and blazing with heraldic pageantry, King Robert's utmost efforts could collect but a modest and motley force. Barbour says he had 30,000 men mustered in the Torwood, but as he and all other writers agree that the invaders outnumbered the defenders as three to one, it is not probable that the Scottish army numbered more than 20,000 at most.

King Robert chose his position with great sagacity, on the rising ground to the north of the Bannock, about two miles south of Stirling Castle. His army was in four divisions: Prince Edward Bruce commanded that on the right next the Torwood; Randolph, Earl of Moray, that next on the left, forming the centre of

Battle of
Bannockburn,
24th June 1314.

¹ This is but half of the figure usually named, but it is all that the details given in King Edward's Patent Rolls will warrant, and more than it would be easy to support in a country wasted by eight years of incessant war.—See Bain, iii., Introduction, xxi. In proof of the utterly untrustworthy nature of the figure cited by chroniclers the anonymous author of the *Book of Pluscarden* [c. 1461 A.D.] may be quoted. He estimates the English army at 300,000, "besides all the unarmed followers and traders and husbandmen and sutlers on foot."—*Pluscarden*, i. 237, ii. 183.

² Piers Gaveston had suffered execution, and his removal secured to King Edward the support of many who had held aloof during the lifetime of that detested favourite. But the Earls of Lancaster, Warwick, Warenne, and Arundel were still malcontent, and stayed at home.—*Lanercost*, 224.

the first line; while James Douglas and his cousin Walter the Steward had joint command of the third division, whereof the left flank rested upon the village of St. Ninians. These three divisions were probably formed in echelon from the right, the fourth division acting as reserve under command of King Robert. The front, not as much as a mile from flank to flank, was protected by two bogs, between which ran the old Roman causeway, and the attack was practically confined to this point, because the course of the Bannock, a trifling brook, here runs nearly level with its banks, flowing elsewhere through ravines impassable for cavalry. The Scottish flanks were further protected on the right by the Torwood, whereof all the roads had been blocked by *abattis*;¹ and on the left by the marshy land next the Forth. In addition, King Robert had pitted all the sound ground on his front, to embarrass such cavalry as should pass up the Roman Road.

Bruce's whole force of cavalry consisted of but 500 light horse under Sir Robert de Keith. Douglas and Keith were sent out with a troop of these to reconnoitre the approaching enemy.

On Sunday morning, 23rd June 1314, the English banners were descried on the rising ground about Plean. Sir Philip de Mowbray not only managed to communicate with King Edward, but rode out in person as far as his bivouack, warning him of the defences constructed by the Scots, and begging him to desist from attack, for the conditions of relief had been effected.² A halt was ordered, but the vanguard under the Earl of Gloucester pressed forward, unwilling to be balked of an encounter.² Sir Henry de Bohun³ rode out of the English ranks, and in the most approved style of chivalry challenged a Scottish champion to single combat. To the dismay of his officers, King Robert accepted the challenge in person, and, mounted upon "ane gay palfray litill and joly," rode out to meet Bohun, who bore down upon his opponent, lance in rest, with all

¹ *Scalacronica*, 142.

² *Ibid.*, 141, 142.

³ Sir Piers de Montford, according to *Scalacronica*.

the momentum of his great war-horse and full armour. The King of Scots made his palfrey leap aside and escaped the shock; rising in his stirrups, he dealt a backhander with his battle axe upon de Bohun, who fell in his tracks—to rise nevermore.

Meanwhile Gloucester had detached 300 horse under Sir Robert de Clifford to establish communications with Stirling by moving round the left flank of the Scots. Randolph Moray had been charged by the King with the duty of preventing any such movement. When the King saw he had permitted it he reproached his nephew for having “let fall a rose from his chaplet.” Randolph, smarting under the reproof, set off with a force in pursuit of Clifford’s party; a vain essay, seeing that Randolph had no cavalry. But it was the age of chivalry. Instead of pursuing his course and carrying out the duty he had been detailed for, Clifford allowed Sir Henry de Beaumont to persuade him to await the attack of the Scots. Randolph came on and formed on the plain, a formidable “schiltrom,” or phalanx of pikes.

Douglas, between whom and Randolph had sprung up the most ardent and lasting affection, perceiving his friend in what seemed great peril, besought the King to let him take a party to his support. The King very wisely refused to derange his line of battle; Douglas returned to his own division, and, contrary to orders, moved off with a detachment to reinforce Randolph.¹ But the affair was over before he could reach the ground. De Clifford’s horsemen had recoiled from the Scottish pikes; Sir William d’Eyn-court and many troopers had been slain; Sir Thomas Gray had been captured, and the English squadron was in full flight.²

Such was, in outline, the Quatre-Bras of Bannockburn. Of the great battle on the morrow there is no excuse for

¹ Barbour says that the King had at last given a grudging consent.

² *Scalacronica*, 142. I have followed Sir Thomas Gray’s account of this affair, which differs in many respects from more commonly accepted versions; but, as a soldier’s report, it stands unique among the descriptions by monkish writers, and he heard the story, no doubt, from his father, Sir Thomas, who was taken prisoner.

offering a description here, seeing that, whereas Douglas commanded on the left, the stress of conflict took place upon the right and centre. Two events only of that day have to be recorded as specially concerning James Douglas. The first is that in the morning, in company with Walter the Steward and some others, he received the *acolade* from the hands of the King in presence of the whole army. It seems strange that this honour should have been so long delayed, seeing how many deeds of prowess he had accomplished during eight years of warfare. The probable explanation is that no earlier opportunity had offered itself of creating the Lord of Douglas a knight banneret, which can only be done on field of battle.

The other episode in which Douglas took the first part was after the fortune of the day had declared itself. Gloucester had ridden to his ruin among the pitfalls; Edward Bruce, supported first on his left by Randolph and then by the reserve under the King, had repulsed the onslaught of English cavalry and infantry; Keith's light squadrons had swept the cloud of archers off the slopes of Greystale; the English had begun to fall back. Their columns in rear were still advancing; the pressure of horses and men upon that contracted front became intolerable; sweltering in the heat, wallowing in the morass, they were falling fast under the Scottish archery fire. A horrible panic ensued; the glorious host which had sparkled in the morning beams with the proudest heraldry of England became a hopeless rout, penned in the shambles whither the rash courage of their leaders had brought them. Edward Plantagenet plied his mace like a true son of his sire. His horse was killed under him, but they brought him a fresh one. Pembroke, riding at one rein, told him all was lost, and led him out of the *mêlée*. Sir Giles de Argentine, reputed the third knight in Christentie, riding at the other rein, bade his liege God-speed. "For myself," he cried, "I am not accustomed to fly, nor shall I do so this day!" and charged into the thick of Edward Bruce's ranks, where he found a soldier's death.

King Edward, with Pembroke and a bodyguard of 500 horse, rode to Stirling Castle, but Sir Philip de Mowbray, meeting them at the gate, bade them hold on their way, else would they all be taken when the castle was surrendered according to the compact. So King Edward, having parted with Pembroke, turned away with his escort into the Torwood and headed for Linlithgow.

Sir James Douglas obtained leave from his King to give chase with a troop of Keith's horse. Shortly after setting out he met his kinsman, Sir Lawrence de Abernethy, who was bringing eighty horsemen to join the English army. Knights owned few scruples in changing sides in this war: Abernethy, seeing that Edward's game was up, threw in his lot with Douglas and joined in the pursuit. Hotly they pressed the flying King; so closely that Barbour, who describes the hunt with mighty gusto, describes Douglas as

"Alwais by tham ner
He let tham nocht haf sic laser¹
As anis watir for to ma."²

The English halted to bait at Winchburgh; Douglas's party was not of sufficient strength to attack them, but hung closely on their flank all the way to Dunbar. It was always unsafe to reckon the fickle March as belonging to one side or the other; on this occasion the earl was English in sympathy, and, having admitted Edward to shelter, passed him on in a small boat to Bamborough Castle.

After the battle of Bannockburn the war entered upon a new phase; the English border was left almost undefended, and the Black Douglas, as Sir James was commonly called, in company with Edward Bruce and de Soulis, wasted Northumberland in August, penetrated Yorkshire as far as Teesdale, spared Durham in consideration of a heavy indemnity, and returned by way of Westmoreland. A peace conference held at Dumfries broke down; the Scots were over the border in force again in

Repeated
raids in Eng-
land, 1314-1316.

¹ Leisure.

² *The Brus*, cix. 55.

November, but Douglas was attending the Parliament assembled at Cambuskenneth in that month.¹ He was probably present at the Parliament of Ayr [25th April 1315], when the succession to the throne was settled and the betrothal of King Robert's only child, Marjorie, to Walter the Steward was approved.

Douglas led a fresh raid in June across the border, taking much booty from the bishopric of Durham and the seaport of Hartlepool, but burning no towns this time.² This done, he joined his King before Carlisle towards the end of July. The King's forces lying chiefly on the eastern side of the city, Douglas stationed himself on its western approaches. The siege lasted eleven days, but the siege engines having broken down, and an escalade by Douglas having failed with considerable loss, it was raised on 1st August. Similar ill-success attended an assault led by King Robert and Douglas upon Berwick [10th January 1316], Douglas narrowly escaping capture in a small boat.³ But King Edward had no time to attend to the wants of his garrisons in the north. It is due solely to the prowess and patriotism first of Richard de Kellow, Bishop of Durham, and later of William de Melton, the warlike Archbishop of York, that the northern counties of England were not permanently annexed by the King of Scots. On 14th March some Gascon mercenaries in garrison at Berwick, maddened by hunger, mutinied, and rode upon a foray in Tweeddale. Sir Adam de Gordon, the same whom Douglas had captured on the Water of Lyne, was now a loyal subject of King Robert, and sent Douglas word that there were raiders abroad. Douglas took the field at once with Sir William de Soulis and [so greatly had the times altered] Sir Henry de Balliol, and fell upon the raiders at Scaith Moor in Coldstream parish. They were a party of Gascons, it seems, horse and foot, who, sending forward some of their number with the cattle they were driving, received the onslaught of the Scots horse with great steadiness.⁴ Barbour describes

¹ *Acts of Parliament of Scotland*, i. 14.

³ *Ibid.*, 232.

² *Lanercost*, 230.

⁴ *Bain*, iii. 89, 90, 91.

this as the hardest bit of fighting that ever fell to the share of Douglas, and credit may be given to him, for in other particulars his narrative is singularly confirmed by letters in the Tower collection.

Sir James Douglas was already justiciar of Lothian and warden of Jedburgh; he was now to have more weighty office laid upon him. For more than a year Edward Bruce had been warring in Ireland, whither the King of Scots had sent him to divert the attention of the English from affairs in Scotland. Edward Bruce had been crowned King of Ireland on 2nd May 1316; but the military situation was so far from satisfactory that he sent the Earl of Moray to beg the King of Scots to come to his assistance. King Robert therefore sailed from Loch Ryan early in the autumn of that year, leaving his kingdom under the joint guardianship of Sir James Douglas and Walter the Steward. The King of England was encouraged by the absence of the King of Scots to resume the offensive. Pembroke, having reaped no laurels in the Scottish wars, had been superseded in the wardenry of the Marches by Thomas, Earl of Lancaster,¹ who summoned an army to meet King Edward at Newcastle in June. The muster was postponed, first till September, and then till October, when it did take place; but the King did not appear, and the troops were dismissed to their homes. But the Earl of Arundel, eager for adventure, led his contingent upon a raid across the border at Jedburgh. Douglas was amusing himself at this time in building a new castle at Lintalee. Warned of Arundel's approach, he laid an ambush for him on Jedwater, and cut his column to pieces, a Yorkshire knight, Sir Thomas de Richmond, being among the slain.² Returning to Lintalee, Douglas found that another party of English, headed by a priest, had occupied the unfinished

Affair of
Lintalee, 1316.

¹ Grandson of Henry III.; beheaded in 1321.

² Hailes follows Barbour, and Fraser Hailes, in identifying the knight as of the house of Brittany. He was not so, but the owner of Burton-Constable in Yorkshire. He was at the siege of Caerlaverock in 1300, constable of Norham in 1310, and Warden of Cockermouth in 1314.

house and were making merry within. These also he surprised, putting most of them to the sword.

The next exploit of the Black Douglas was in single combat. Sir Robert de Nevill, the Peacock of the North, declared that he was sick of hearing about the valour of Douglas, and vowed that he would attack him wherever he should see his banner displayed. Hearing of this, Douglas marched all night to Berwick, where Nevill was in garrison, gave him the *qui vive* by firing sundry villages, and at sunrise flaunted his well-known gonfalon under the walls. The Peacock took up the challenge briskly, and rode forth with a picked party of men-at-arms. Douglas suggested single combat as most chivalrous; Nevill agreed, lances were soon in rest; the knights met but once, and Douglas rode back to his men, leaving the Peacock lifeless on the sward. Thereafter a bloody encounter took place between the retainers of each party, wherein the English were utterly routed, and Nevill's three brothers were taken prisoners and held to ransom by their captor for 2000 marks each.¹

King Robert returned from his Irish expedition in May 1317, and, after receiving and disposing of the memorable embassy from Pope John XXII., set about preparations for the siege of Berwick. The mayor and burgesses of that town had received 6000 marks from the English Exchequer on condition of defending the town till 15th June 1317; but Sir Roger de Horsley, governor of the castle, took no pains to conceal his contempt for all Scots, no matter what King they served, and this soon brought about ill-feeling between the garrison and the townspeople.² One of the burgesses, Simon of Spalding, wrote privily to the Earl of March,³ now a staunch patriot, offering to admit

Single combat
with the
Peacock of
the North.

Siege and
capture of
Berwick, 1317.

¹ Bain, iii. 101.

² How faithful Barbour was in this statement is proved by the appointment by King Edward of a commission [4th Feb. 1314] to inquire into these disputes. — *Ibid.*, iii. 112.

³ *Ibid.*, 103, 113. Barbour says to the Marischal, Sir Robert de Keith.

an escalade on a certain night when he [Spalding] should be on guard. Moray had returned from Ireland with the King, and Barbour describes a little incident showing how keen was the rivalry between him and Douglas. When March laid Spalding's letter before the King—"You have done well," said Robert, "for had you first told my nephew, Earl Thomas, you would have displeased Lord Douglas, and had you first told Douglas, Randolph had never forgiven the slight. Now I shall arrange so that your plan may be carried out without exciting any jealousy."

The King directed March to conceal his men at Duns, whither Douglas and Moray were sent to join him. Thence they all marched to Berwick, set their scaling ladders in concert with Spalding, and easily took possession of the town. A plundering party was told off, the rest of the force being kept under arms, prepared to meet a sortie from the castle; but the temptation of the booty was too great; in the darkness most of the men slipped away to join their comrades in the merry work of looting, and daybreak found Douglas and Moray with scarcely any guards. Sir Roger from his keep spied his opportunity and ordered an immediate sortie. A certain young knight, Sir William de Keith of Galston, galloped through the streets, driving the Scots back to their post, and the two leaders perhaps owed their lives, certainly their safety, to his activity and presence of mind. The English were repulsed, but brave old de Horsley defended the castle for no less than sixteen weeks, when he surrendered.¹

The King of Ireland, Edward Bruce, having died in battle at Dundalk on 5th October 1318, and Princess Marjorie having died in childbirth on 2nd March 1316,

¹ Barbour says the siege of the castle lasted only six days, and Lord Hailes ridicules Sir Thomas Gray's statement in *Scalacronica* of eleven weeks as "altogether incredible." But Gray was a soldier, and understood what he was talking about. The town was taken on 28th March: De Horsley did not surrender the castle till about 20th July.—Bain, iii. 115.

the hazardous question of the royal succession had to be resettled. Parliament was summoned to Scone on 3rd December, when the inheritance was settled on Robert, only son of Walter the Steward and Princess Marjorie, always saving any future male issue to the King. In the event of a minority, Moray, as the King's nephew, was appointed guardian of the realm, and failing him, Sir James Douglas.

Edward II. and his nobles bitterly resented the capture of Berwick, which they had done so little to avert, and on 24th July 1319 an army of 12,000 assembled to the King's muster at Newcastle-on-Tyne.¹ The Pope, who had laid all Scotland under interdict, and excommunicated King Robert and all his officers, authorised the Archbishop of York to advance £2505, 14s. 1d. for the purposes of this campaign out of the funds collected for a crusade.² Walter the Steward held Berwick for the King of Scots; the town was closely invested by sea and land, and its defenders were hard pressed during the siege, for the English were too strongly entrenched for a relieving force to attack them; so King Robert had recourse to the device most usual in this war; he sent Douglas and Moray to create a diversion by invading England and, if possible, to capture the Queen of England, then residing at York. The Queen they did not take, but they overran all the northern counties, as far even as the suburbs of York itself.

Archbishop Melton put all his levies in the field, and met the invaders at Myton-on-Swale on 20th September 1319. The hardy Scots made short work of their enemy, putting them to flight at the first onset and capturing great booty, including the Archbishop's plate and valuables, which his servants had foolishly brought with the army. Men called this affair the "Chapter of Myton," because of the numerous

¹ The numbers may be checked by comparison with the pay rolls.—Bain, iii. 125.

² Raine's *Historical Letters and Papers* [Master of the Rolls Series], p. 310.

clerics who bore arms in the English ranks that day. King Robert's strategy was justified by success, for the siege of Berwick was raised on 24th September, and King Edward withdrew once more from Scottish soil. Douglas and Moray burned upwards of eighty towns and villages in the course of this raid, whence it might be supposed that there was not much left in those counties worthy of their attention. Yet the Scots were busy again during the first fortnight of November in Westmorland, driving off large numbers of cattle and horses.¹

On Christmas Day, 1319, a truce between the two nations was struck for two years. Extant charters show that during this time of repose Douglas received considerable additions to his already extensive possessions, consisting of the lands, castle, and forest of Jedburgh, and the barony of Stabligorton in Eskdale [6th May 1320].² In the following year, the lands of Sir William de Soulis having been forfeited for his complicity in a plot against the King, Douglas received out of them the barony of Watstirker [now Westerkirk] in Eskdale.³ Other forfeitures about this time or earlier brought him Ettrick Forest, the barony of Bedrule in Berwickshire, and the lands of Cockburn in the same county.

Before the conclusion of the truce, during which ineffective negotiations were undertaken for a durable peace, Lancaster's rebellion broke out and withdrew the attention of the English government from Scottish affairs. Douglas, as warden of the Marches, had entered into a secret treaty with Lancaster, who is styled in the instrument King Arthur, binding the King of Scots, Moray, and Douglas to assist Lancaster at all times in England, Wales, or Ireland, without claiming any share in his conquests. Lancaster, on his part, was to do all in his power, so soon as his own business should be accomplished, to secure a lasting peace on the basis

Secret treaty
with Lan-
caster, 1320.

¹ *Lanercost*, 240.

² *Fraser*, iii. 10.

³ *Morton*, ii. 20.

of the independence of Scotland.¹ This bond was never completed. Lancaster wrote to Douglas, inviting him to a meeting at which "we may adjust all the points of our alliance, and agree to live or die together"; but the letter miscarried, not reaching Douglas till 17th February instead of 7th. How much of the fate of the English monarchy was involved in those ten days will never be known; but of this we may be sure, that had the treaty been ratified, and had Lancaster in consequence received the support of Scottish troops, and the assistance of war-wise Moray and Douglas at Boroughbridge, Sir Andrew de Harcla would not have scored such an overwhelming victory for King Edward, and the line of the English succession might have been changed.

As matters fell out, Lancaster forfeited his wayward life on the scaffold at Pontefract [22nd March], his adherents dispersed, and the English government were left free to deal with the work of slaughter and rapine, which the Scots, with direful diligence, had resumed on the borders immediately after Christmas. "Give yourself no further solicitude," wrote King Edward to the Pope, "about a truce with the Scots. The exigencies of my affairs formerly inclined me to listen to such proposals, but now I am resolved to establish peace by force of arms."² Moray, Douglas, and Walter the Steward—tried comrades in arms—had already swept Durham and Yorkshire in January, exacting heavy contributions for the Scottish exchequer. To avenge this injury, King Edward summoned an army to meet him at Newcastle on 25th July, but King Robert was not of a temper to study the convenience of his cousin of England. There were still gear to be gathered and roofs to be fired in the northern counties; crossing the border on 17th June, he marched as far as Lancaster, where another force under Douglas and Moray joined him,

¹ *Fœdera*, ii. 479. The draft of this treaty was afterwards found on the person of the Earl of Hereford, when he was slain at the battle of Boroughbridge, 15th March 1322.

² *Ibid.*, ii. 481.

and the combined army pushed on as far as Preston. The injury done in this raid, especially by the destruction of religious houses, seems to have exceeded all that had preceded it.¹ On their return the Scots invested Carlisle for five days, but the governor Harcla, who had been created Earl of Carlisle for his victory over Lancaster, prudently remained within his defences, and on 24th July they recrossed the border.

It was King Edward's turn now. By 5th August he had penetrated as far as Gosford in East Lothian, but the King of Scots had resumed his ancient strategy. Edward II. invades Scot-land, 1320. He retired beyond the Forth, driving off every head of cattle, carrying away every sack of corn, so that, when an adverse wind kept the English fleet out of the Firth, Edward's troops were like to perish of starvation and disease. The invaders were compelled to retreat, whereupon Douglas immediately resumed the offensive, cutting to pieces a party of 300 light horse at Melrose, though he was not in strength to interrupt the march of the enemy. The ill-starred Edward left Scotland for the last time before 8th September, after causing his troops to wreak a barren vengeance for the destruction of English churches by sacking Holyrood and Melrose, and burning the beautiful monastery of Dryburgh to the ground.

Looking back upon those dark pages of our country's history, it is not the wasted lives nor squandered wealth which moves our pity most. The blood and tears which flowed so plentiful have drained away neither the life nor the mirth of the borderers; patient toil has restored affluence and comfort to homes once laid so desolate; but time is powerless to restore, skill of man to replace, the priceless monuments which the torch of war effaced. Our people are still in their old fields and streets, kindly and ready as of yore; our store has increased more than the sages say is for our profit; but we have lost for ever the shrines and cloistered houses which pious hands had reared in the time of the Kings of Peace.

¹ *Lanercost*, 246.

It is wearisome to follow the march and countermarch of the opposing armies. King Edward remained that autumn at Biland Abbey in Yorkshire, where Battle of Biland, 1322. King Robert proceeded to beat up his quarters. Crossing the western marches on 30th September, he found the Earl of Richmond on 14th October holding in force a ridge between Biland and Rielvaux. This ridge commanded an important pass, which was defended by Sir Ralph de Cobham, reputed the first knight in England for prowess. With Cobham was Sir Thomas Uchtred, and Douglas craved from his King the honour of dislodging them. This was granted, and while advancing to the attack Douglas was joined by Moray as a volunteer, for he grudged his friend monopoly of such a fair deed of arms. The ground was very steep; the English rolled boulders down the sides of the defile and plied their assailants with archery, inflicting such losses that King Robert trembled for his two most puissant commanders. He ordered up the Highlanders and Islesmen to take the defenders upon either flank; these scaled the cliffs nimbly, but found at the top Richmond's main body drawn up. Forming like quicksilver, the Highlanders dashed forward upon the mailed ranks with such resistless spirit that the English broke and fled, as one of their own knights described it, like hares before greyhounds.¹

Douglas and Moray forced the pass in time to join in the pursuit, in which the doughty de Cobham also bore a part, but it was that of the hare rather than of the greyhound, leaving his comrade Sir Thomas stark in the field. The Earl of Richmond was taken; so were Henri de Sully, Grand Butler of France, and several French chevaliers. Walter the Steward pursued King Edward as far as the gates of York, and waited there till nightfall to see if any would accept the challenge which he offered. But none would venture out, so grievously had the spirit of the English chivalry been broken in the course of this deplorable reign.

¹ *Com du lever deuant leuereres.*—Scalacronica, 150.

Of the battle of Biland a romantic memorial remains among the Douglas charters. The presence of French knights in the King of England's army, at a time when Scotland and France were under treaty of alliance, might have given just offence to a less chivalrous prince than Robert the Bruce. But the foreigners were graciously dealt with. Robert assured them that he perfectly understood the position of gentlemen who, being in England at a time of war, had felt obliged by the rules of chivalry to bear arms for their entertainers, even against a friendly nation; and he set them free, intending, as he said, to send them in a present to his royal brother of France. Now, three of these knights had surrendered with their squires to Sir James Douglas, who was therefore entitled to their ransom, estimated at 4400 marks. In lieu of this the King afterwards [8th November 1324] granted to Douglas a charter conveying to him the criminal jurisdiction of all the Douglas possessions, and freeing him from all the usual feudal services except the universal obligation for the defence of the realm. After setting forth that the grant was made in partial redemption of the King's debt to the knight for the liberation of the French prisoners, it runs—"And in order that this charter may have perpetual effect, we in our own person and with our own hand have placed on the hand of the said James of Douglas a ring, with a certain stone called an emeraude, in token of sasine and perpetual endurance to the said James and his heirs for ever."¹ How willingly now would one exchange the parchment, which remains intact, for the ring from the Bruce's finger, which has disappeared for ever.

In addition to the powers conveyed in the Emerald Charter, Douglas received at this time a grant of Balliol's

¹ *Et ut presens carta nostra robur firmitatis optineat in perpetuum, manum eiusdem Jacobi annulo cum quodam lapide qui dicitur emeraude eidem Jacobo et heredibus suis, nomine sasine, in memoriale permansuro in futurum ex manu nostra personaliter inuestimus.* — Fraser, iii. 11, where the charter is printed in full.

lands of Buittle in Galloway, subject to the yearly tribute of a pair of gilt spurs.¹

The King of Scots was now in such ascendancy as enabled him to prescribe the terms in which he should be addressed by King Edward, who was forced to negotiate for peace. On 30th May 1323 a truce for thirteen years was struck between the two nations, Edward for the first time acknowledging Robert as King of Scots. Less than four years later Edward II. met his atrocious doom, and young Edward III. began his reign by negotiation for converting the truce into a durable peace. But there had been too much friction between Scots and English by sea and land. There followed no formal declaration of war; the historians of each nation accuse the people of the other of having broken the truce. In effect, King Robert certainly massed troops upon the border in such a menacing way that the English barons were ordered to muster their levies at Newcastle in the spring. Moray,

Campaign of Weardale, 1327. with Douglas in second command, crossed the West Marches on 15th March 1323, at the head of a large force. During five years of truce the dalesmen had replenished their store and restocked their farms; the Scots found something worth lifting, and, under their veteran leaders, resumed operations in the time-honoured fashion, burning, spoiling, and slaying through Northumberland and Westmorland. It has been commonly reported that the King of Scots remained in the north during this invasion, suffering from advancing years and broken health, but in fact he was by no means inactive in this campaign. Evidence has lately come to light proving that in the summer of 1327 he led an expedition against the English in the north of Ireland, thereby creating a diversion in favour of Moray's operations.²

King Edward marched to intercept the invaders with a very powerful force, but the Scots were too nimble for him.

¹ Fraser, iii. 12. Modern writers often confuse Buittle with Bootle in Lancashire.

² Bain, iii. 34, 167

The English lay at Haydon Bridge on Tyne till 26th July, while their enemy, after raiding Coquetdale, entrenched themselves in Weardale. It was a time of dreadful rains, and the rivers were all in flood. King Edward offered knight-hood and a landed estate to any man who should bring him within sight of the enemy *en lieu dur et secke*. Thomas de Rokeby won the reward. He was taken prisoner when scouting; brought before the Scottish leaders, he frankly told his errand, and was sent back to his master with a message that Moray and Douglas had been waiting eight days for him, anxious for battle. Moray sent Douglas out to reconnoitre the English as they approached from the north. He brought intelligence that they were in great strength, moving in seven columns. The Scots lay on the south bank of the Wear,¹ and the English sent out heralds offering to let them cross the water unmolested so as to fight it out on a fair field; or, if Moray preferred it, that the English should be allowed to cross for the same purpose. It is said that Moray was eager to accept one or other of these alternatives, but that he was overruled by Douglas, who argued that there was nothing dishonourable in using stratagem against superior force. On the other hand, the English, eager to deliver an attack, could not settle some points in knightly precedence; so for two or three days the two armies lay facing each other, affording a fine opportunity for individual deeds of daring.

One morning a thousand English archers, supported by cavalry, moved out to molest the Scottish flank. Douglas placed a squadron of light horse in ambush under his brother Archibald and the young Earl of Mar, and rode to and fro himself, with a cloak concealing his armour, in full view of the archers, hoping to lure them to destruction. An English squire, Robert de Ogle, recognising Douglas, galloped down to warn his countrymen of their danger.

“For God’s sake, have a care!” cried he. “Yon rider

¹ Barbour says the north bank; but Edward’s correspondence [Bain, iii. 168] shows that he was at Stanhope on the north bank, his object being to prevent the return of the invaders to Scotland.

is the Black Douglas, and he will have you in some trap presently."

It was too late; Douglas winded his horn, the concealed squadron galloped forth, the English were scattered, many of them being slain or taken prisoner. Sir William Erskine, who had been knighted only that morning, used his new gilt spurs too freely, followed too far in the pursuit, and was taken prisoner.

But the most famous exploit of that campaign took place after the Scots had moved secretly by night [3rd August] to a fresh and better camping ground about two miles distant. Douglas rode out after dark with 200 picked horsemen and, crossing the river, approached the English lines. Coming to one of the outposts, he was mistaken for an officer going his rounds; crying "Ha! St. George!—no watch here!" he and his men dashed into the camp itself, cutting the tent-ropes and creating a mighty confusion. He pressed right on to the royal pavilion, and came near taking the King himself, who was saved by the devotion of his chaplain and servants laying down their lives in his defence. By this time trumpets were sounding the alarm in all quarters; Douglas collected his party and cleared off, returning to the Scottish camp with the loss of few men.¹

Moray asked Douglas where he had been and how he had fared, who answered laconically—"Sir, we have drawn blood."

"I wish we had all been with you," exclaimed Moray; "then we should have discomfited them utterly."

"May be so," replied the cooler Douglas, "but I fancy my small party was quite enough to risk in such an adventure."

Then Moray began again to press Douglas to consent to a general engagement. Douglas, says Barbour, replied in a fable—"A certain fisherman," said he, "returning to his cottage one night, found a fox eating a fine salmon which he had left there. The fisherman put himself in the only

¹ Froissart [c. xviii.] says 300 English were slain.

exit—the doorway, and stood, sword in hand, waiting for the fox. But the fox was no simpleton: he was quite equal to the dilemma. The fisherman's cloak lay on the bed; this the fox seized and drew it across the fire. The owner, seeing his cloak burning, started forward to save it, and the fox immediately bolted through the unguarded door. Now we Scots are the fox, and the King of England the fisherman. He stands in the door and bars our return to our own land. He shall fare no better than the fisherman, whose salmon was eaten, whose cloak was burnt, and from whom the fox escaped. I have planned a way of escape, somewhat wet, to be sure, but we shall not lose a single page in taking it."

This prudent counsel prevailed. In rear of the Scottish position lay a great morass, over which Douglas had caused a roadway of branches to be laid. All day (probably 4th August) the Scots made a great show of preparation in their camp. A soldier was caused to allow himself to be taken prisoner, and told the English that Moray had issued orders for all troops to be under arms an hour after sunset. This put the English on the alert for a night attack; but as soon as it was dark the Scottish army decamped, leaving but a couple of trumpeters behind to blow deceptive calls during the night, and marched without molestation back to their own country.

But they were in England again within less than a month. The King of Scots in person laid siege to Norham Castle in September, while Moray and Douglas invested Alnwick. The county of Northumberland was at their mercy, but these two famous fortresses made good their defence, until Edward's Parliament at Lincoln appointed commissioners to treat for peace, and the war was brought to an end—finally, as men fondly hoped; for a marriage was arranged between Prince David of Scotland and the sister of the English King.

During the next two years Douglas was almost constantly in attendance upon King Robert at Cardross on the Clyde. The King's health had broken, and although

Douglas rode with him as far as Glenluce in Galloway in March 1329, it was apparent, on their return to Cardross, that, in Froissart's words, "there was no way for him but death." He was fully conscious of his condition for some weeks, and disposed all his affairs deliberately in view of the end at hand.

There is a discrepancy in the accounts of the way the dying King's last commands were laid upon Douglas. Barbour says that he sent for his chief barons, and bade them choose one of their number to fulfil his mission, and that with one consent they named "the douchty Lord Douglas." On the other hand, Froissart describes the King himself as naming "the gentle knight Sir James of Douglas" as the one to carry out his will, which was that, inasmuch as he had not been able to fulfil his solemn vow to make an expedition against the Saracens in Palestine as soon as his own realm should be established in peace, he desired that after death his heart should be carried into battle with the enemies of Christ.¹ King Robert died on 7th June 1329; his heart was taken from his body, embalmed, and placed in a silver casket, which was entrusted to Douglas. This act was in defiance of the Bull of Pope Boniface VIII., *Detestando feritatis abusum* [1299], forbidding such mutilation of the dead, and decreeing excommunication as the penalty. But Douglas and his master had braved so long with impunity the utmost rigours of the Court of Rome that he went forward on his mission with a bold disregard of consequences.² In sending

Death of
King Robert,
7th June
1329.

¹ Thus men in all ages, confusing physical effect with cause, have regarded now one, now another, of the internal organs as the special warden of the emotions and affections. Love, courage, hope, fear, mercy, and the rest of them, share with the intelligence and will the brain as their source and seat, and disturb the nerves, and, through them, the circulation and other functions. Mediæval psychologists resolved that the heart, the centre of circulation, was the seat of the finer feelings, just as the later Greeks fixed upon the *σπλάγκνα*, rendered in our Authorised Version by a term so homely that the Revisers have substituted the insipid gloss "tender mercies."

² Two years later, moved by the Earl of Moray, Pope John XXII. granted absolution to all who had part "in the inhuman and cruel treatment" of King Robert's body.

Douglas upon such a perilous and laborious errand it may seem that the King was unduly exacting upon a willing and valuable servant; but it is just possible that he had in view the advantage to the realm of separating for a while two such generous but fiery rivals as Moray and Douglas, after his own tactful guidance had been removed. We get a glimpse of possible want of harmony in the scene that preceded the capture of Berwick [p. 50 *ante*]. King Robert had always managed to keep both these powerful chiefs in excellent humour, but then he had always had plenty of lands to bestow upon each. It is not every firmament that suffices for the orbits of two stars of such magnitude. Moray was to succeed under Act of Parliament to the Regency; it might be politic to employ the most powerful subject abroad for a while.

At all events Douglas set out on his journey with great magnificence, after commending himself to the prayers of the Church and the protection of St. Bride, in whose honour he bestowed certain lands upon the Abbey of Newbattle. It is not recorded that he thought it worth while to secure the intercession of his great uncle, St. Bricius [ii.]. He set sail in the spring of 1330 from Berwick¹ or Montrose,² having received letters of protection from Edward III. for seven years,³ and accompanied by a knight banneret, seven ordinary knights, twenty-six esquires, and a retinue in proportion. The ships lay twelve days at Sluys, in order to give other knights-errant the chance of joining such a journey, which promised so much adventure; but Douglas never went ashore, remaining on board to entertain a great number of distinguished visitors.

There is some doubt as to the exact tenour of Bruce's charge to Douglas, whether it was to carry his heart to the Holy Sepulchre, or generally in war against infidels.⁴ True, it was at Jerusalem where these could most constantly be

¹ Barbour.

² Froissart.

³ Bain, iii. 179.

⁴ "To travale upon Goddis fais (foes)"—*The Brus*, cxlvi. 33. "Deposit your charge at the Holy Sepulchre."—Froissart.

Expedition
with the
heart of
Bruce, 1330.

found, but, as it happened, Alfonso XI., King of Castile, was at that very time at war with Osmyn, the Moorish Prince of Granada, and Edward III. furnished Douglas with a special letter of commendation to that King.¹ Therefore to Seville was the flotilla steered, whence the Scottish knights rode to Alfonso's camp on the frontier. The fame of Douglas had spread throughout Christendom, and he was well received among the knights of all nations, whom the chance of glory had drawn to the seat of war. Among them was one of great renown, whose features had been disfigured by many wounds.² Seeing no scars on Douglas's face, this knight expressed great surprise. "Praised be God!" laughed Douglas, "I always had hands to protect my head."

On 25th August 1330 the Spanish army lay in view of the Moors, who were drawn up within their frontier of Granada. Alfonso's trumpets sounded to advance. Douglas, riding on one of the flanks, understood that a general attack was intended, and went off at score at the head of his Scottish squadron, carrying the silver casket slung to his neck.³ Whether by misadventure he was not rightly supported,⁴ or, as is not unlikely, chivalrous emulation overbore his habitual prudence,⁵ certain it is that the Scots charged alone, and were speedily surrounded by the Moors. Seeing Sir William de St. Clair hard pressed, Douglas attempted to rescue him, but was struck down and died on the spot.⁶

Death of
Sir James
Douglas,
25th Aug.
1330.

¹ Bain, iii. 179.

² "Sa fast till hewin was his fas

That it all our ner wemmit was."—*The Brus*, cxlviii. 69.

³ Barbour alleges that Alphonso had given Douglas command of the foremost of the three columns or divisions in which his army was disposed.

⁴ Thus Froissart.

⁵ Thus Barbour.

⁶ Charles Stuart, Comte d'Albanie, when serving with the Carlists, was shown a rock where tradition says Douglas perished. The tale that Douglas, before charging, flung the silver casket into the ranks of the Moors, exclaiming: "Now, pass thou forth before, as thou wert ever wont to be in the field, and I shall follow thee or die,"—is not more extravagant than the historical truth; but there is no mention of it by any earlier authority than Holland, an allegorical writer of the fifteenth century. This sufficed for Godscroft.

The King's heart was recovered and brought home by Sir William de Keith and Sir Simon Lockhart, who buried it in Melrose Abbey.¹ Home, too, was brought the body of the Black Douglas, and was laid in St. Bride's Church at Douglas, under a canopied tomb in the flamboyant style. Barbour, who wrote something less than fifty years after Sir James's death, has sketched for us his portrait from hearsay—

“Got he was nocht sa far² that we
 Suld speik gretly of his beaute.
 In visage was he sumdele gray,
 And had blak har, as I herd say;
 Got of limmis he was wele mad,³
 With banis gret and schuldris brad;⁴
 His body was wele mad and lenghe,⁵
 As tha that saw him said to me.
 Quhen he was blith he was lusty,
 And mek and suet in company.
 Got, quha in battale nicht him se,
 All othir contenans had he,
 And in speik ulispit he sumdele,⁶
 Got that sat him richt wondir wele.”⁷

At Douglas Castle lies a sword blade, said to have been given to the Good Sir James by his King. Possibly it is genuine, but the verses as given below, bitten into it by acid, are certainly of later date, as shown by the Roman characters, by the mention of many good men of one *surname*, and by the reference to the commission about the heart. In King Robert's days surnames were just

¹ Popular tradition connects Sir Simon Lockhart of Lee with this duty, but there is no foundation for the fanciful etymology of the name Lockhart, *quasi* lock-heart. There were Locards in Scotland long before 1330,—witness the charter by Humphrey de Bohun, Earl of Hereford, granted at Lochmaben in 1307, during his brief lordship of Annandale, to Sir Bartholomew Denefaud, conveying the lands of Hotone and Lokardebi [Hutton and Lockerby]. Analogy to the misleading suggestion contained in the spelling Lockhart may be detected in that of “sweet-heart,” which should be written “sweetard,” a derivative of “sweet” just as “sluggard,” “coward,” “drunkard” are derivatives of “slug,” old French *cœ*, a tail, and “drunk.”

² Fair.

³ Well made.

⁴ Shoulders broad.

⁵ Lean.

⁶ Lispered a little.

⁷ *The Brus*, v. 107.



*Monument of
"the Good" Sir James of Douglas,
in St. Brides Church of Douglas.*

becoming fixed, and but few had borne the territorial name of Douglas—

SO MONY GVID AS OF THE DOVGLAS BEINE,
OF ANE SURNAME WAS NEVER IN SCOTLAND SEINE.

I WIL YE CHARGE, EFTER THAT I DEPART,
TO HOLY GRAVFE, AND THAIR BVRY MY HART ;

LET IT REMAIN EVER, BOTH TYME AND HOVR,
TO THE LAST DAY I SIE MY SAVIOVR.

SO I PROTEST IN TYME OF AL MY RINGE,¹
YE LYK SUBJECTIS HAD NEVER ONY KEING.

¹ Reign.

CHAPTER III

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ALREADY the Douglas pedigree is becoming an intricate affair.

There is no record extant of the marriage of the Good Sir James. Hume of Godscroft merely states that he left two natural sons, William and Archibald, and that William was the renowned Knight of Liddesdale, known as "the Flower of Chivalry" [xxviii.]. In pointing out this error Sir William Fraser argues that William must have been born in wedlock,

viii. William, Lord of Douglas, died 1333.

because he succeeded his father as Lord of Douglas [1330–1333].¹ His argument is not conclusive as to William's legitimacy, but the fact that William succeeded his father, Sir James, rests on sufficient evidence—First, the mention in the Exchequer account of Chamberlain Reginald More, between 14th March and 14th December 1331, of certain transactions with *Willelmus dominus de Douglas*.² Second, a complaint, addressed by the monks of Coldingham to David II., against William, Lord of Douglas, and Archibald, his uncle, for wrongful retention of the manor of Swinton in Berwickshire, “which was granted to the honourable man, Sir James, lately Lord of Douglas, for his counsel and to have his aid in time of war, by a simple monk who had no power to grant the said town in that manner against the interests of the house of Coldingham.”³ Lastly, Sir Thomas Gray mentions in his *Scalacronica* that “the Lord of Douglas, son of James of Douglas, who was slain by the Saracens on the frontier of Granada,”⁴ was among the slain at Halidon Hill [19th July 1333]. Knyghton in his chronicle mentions *Willelmus Douglas filius Iacobi ejus[dem]*—William Douglas, son of James of that ilk—as taken prisoner in this battle, to which the cautious Hailes notes: “rather Archibald the natural son of the renowned Sir James Douglas.” Another Archibald, indeed, did fall on that day of Scotland's dule, but that was the youngest brother of the Good Sir James, who had earned the title of “Tineman” [the Loser] because of his persistent ill-fortune in war.⁵ More about him presently. Meanwhile as to William, Lord of Douglas [viii.], the fact that he perished at Halidon Hill is enough to distinguish

¹ Fraser, i. 185.

² *Exchequer Rolls*, i. 396, where the editor, Mr. Burnett, notes that the name William is probably a mistake for Hugh, although in fact there is no mistake.

³ The references given by Sir W. Fraser for this letter, the original of which is in Norman-French, are B.M. *Faustina*, A. vi. fol. 51, and Surtees Society, *Priory of Coldingham*, p. 21.

⁴ *Scalacronica*, p. 163.

⁵ This nickname has also been applied to Archibald, 4th Earl of Douglas, but the earlier Sir Archibald is the right “Tineman.” “Archibaldus de Douglas, qui Tyneman dictus est.”—Bower, xiii. 27.

him from his namesake and kinsman, who became famous as the "Knight of Liddesdale," and who was prisoner in Carlisle at the time of the battle of Halidon Hill and for two years after. Besides, it is known that this Knight of Liddesdale was the lawful son of Sir James Douglas of Lothian, descended from Andrew, brother of Sir William Douglas [iv.], the ancestor of the Earls of Morton.

William, Lord of Douglas, died, then, in 1333, unmarried and a minor, and, seeing how very little is known of him—so little that his very existence had been overlooked till Sir William Fraser identified him—it is curious that one remarkable relic of him should have been preserved. Impressions of seals of the fourteenth century are common enough,



Fig. 5.—Seal of William, Lord of Douglas, *c.* 1332.



Fig. 6.—Matrix of same Seal.

but matrices—the seals themselves—exceedingly rare. The Douglasses of old had a burial vault in the church of North Berwick, in the ruins whereof was discovered in 1788 a brass seal stamp of elegant fourteenth century design, bearing the legend—

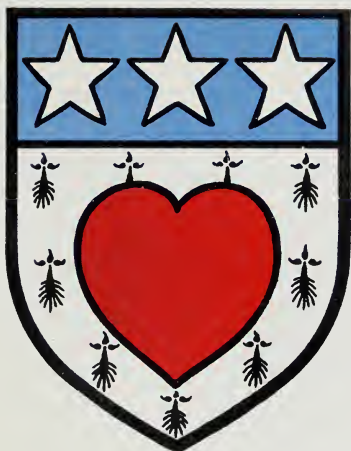
SIGILLVM · WILLELMI · DNI · DE · DOVGLAS

surrounding a shield bearing a fess between the stars in chief and the heart in base.¹

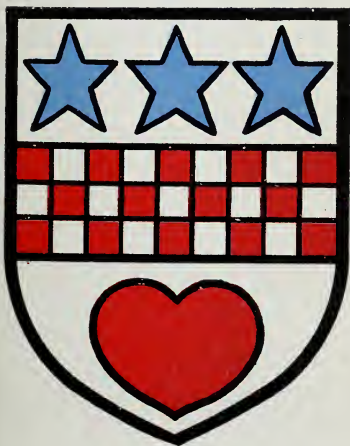
¹ This is the earliest instance of the display of the heart in the Douglas shield, showing that it was assumed immediately after the death of Sir James. The fess is not so easy to explain. The bearings of Douglas of Mains stand in the Lyon Register argent, a fess chequy gules, between three stars azure in chief and a man's heart proper in base.



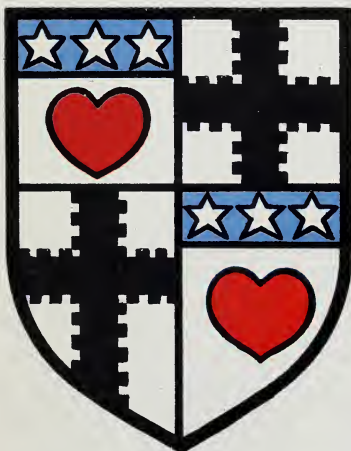
*Enrico Scotti-Douglas, Conte d'Agazano,
1900.*



Sir George Douglas of Pittendreich, 1550.



Malcolm Douglas of Mains, 1584.



*Sir William Douglas of Glenbervie,
afterwards 9th Earl of Angus, 1587.*

William was succeeded in the lands and lordship of Douglas by his uncle, Hugh [ix.], dubbed the "Dull Douglas," not, perhaps, so much on account of mental or bodily infirmity, as Godscroft unkindly suggests, but merely because his clerical education and profession inclined him to a retired life.

ix. Hugh,
"the Dull,"
Lord of
Douglas,
c. 1294-1342.

When Sir William le Hardi's [vi.] English possessions were forfeited in 1296, Hugh, a child not two years of age, was taken into custody with the manor of Stebbing.¹ Nothing further is heard or known of him till 16th May 1325, when he appeared by proxy as a Canon of Glasgow at a meeting of the chapter of that diocese.² At that time he seems to have been parish priest of Old Roxburgh, and, for aught we know, so he remained until the death of his nephew opened for him the succession to the broad lands of the lordship. Yet was he at first but a titular owner, for by this time nearly the whole of southern Scotland was under the sway of Edward III., or of his nominee, King Edward [Baliol] of Scotland. On 12th June 1334, the Scottish King surrendered to Edward III. the forests of Jedburgh, Selkirk, and Ettrick, with the counties of Roxburgh, Peebles, Dumfries, Linlithgow, Edinburgh, and Haddington, to remain for ever as possessions of the English Crown.³ Douglasdale was restored to Lord de Clifford, grandson of that Sir Robert who had received it from the first Edward, but it was stoutly held by the men of Douglas and watched over by the Knight of Liddesdale, so that Clifford never enjoyed his fief.

In 1336 Edward III. held his court at Bothwell, to receive the west of Scotland to his peace. No appearance was made on behalf of Douglasdale, which accordingly was laid waste by Lord de Stafford, *vir multum militaris*.⁴ Even Hugh Douglas's prebend of Old Roxburgh did not escape, for Edward III. appointed thereto Andrew de Ormiston in 1337.⁵

During these years David II. was an exile in France,—

¹ Stevenson, ii. 43.

² *Registrum Glasguense*, i. 234.

³ *Fœdera*, iv. 614.

⁴ *Lanercost*, 288.

⁵ *Rotuli Scotiæ*, i. 516.

“none but children in their games dared to call David Bruce their King,”—yet were there faithful hearts in Scotland who suffered not the cause of the King over the water to be quenched. Most puissant among royalist champions remained William Douglas of Lothian and Liddesdale [xxviii.].

Matters took a turn in 1341 when David II., at the foolish age of eighteen, returned to his proper realm. At this time Hugh the Dull, having no stomach for the military service due for his lands, made over many of his possessions to his kinsman, William of Lothian,¹ and returned humbly to his parochial duties in Old Roxburgh, whence, if still alive, he was to be dislodged once more after the battle of Durham in 1346, when Edward III. bestowed the prebend upon William de Emeldon.²



Fig. 7.—Seal of Hugh of Douglas, a canon (c. 1294–c. 1342).

The seal of Hugh the Dull, which is attached to the charter conveying Westerkirk to the Knight of Liddesdale, is erroneously described in Laing's catalogue as bearing a knight on horseback with a shield. The real device is an unicorn supporting a shield, of which the upper part is obliterated, but the lower still shows the heart. The compartment

is semé of stars, and surrounded by the legend [also erroneously deciphered by Laing]—

[SIGILL : HVGONI]S : DE : DOWGLAS : CANONIC.

This “Dull Douglas” dedicated a chapel to St. John the Baptist at Crookboat of Douglas, where the Douglas Water joins the Clyde, and endowed it, among other emoluments, with the right to the best cheese in every house on Douglas Moor.

Turn we now to Hugh's uncle, Archibald [x.], youngest brother of the Good Sir James [vii.], who, although he never became Lord of Douglas, bore far too important a part in public affairs to be omitted from the roll. He is first heard of after 1320, when he received from Robert I. a

¹ *Morton*, ii. 89–92.

² *Rotuli Scotiae*, i. 749.

charter of Morebattle¹ in Roxburghshire, and Kirkandrews in Dumfriesshire. In 1324 he received a further grant of the lands of Crimond² and others in Buchan, being already in possession of Cavers in Roxburghshire, Drumlanrig and Terregles in Dumfriesshire, and West Calder in Midlothian. He made little figure during the life of Robert I., though glimpses are had of him serving under Sir James [vii.] in the campaign of Weardale [1327], when his foragers "auoint curry apoi tot levesche de Doresme"³—overran nearly all the bishopric of Durham—and gathered much booty. But with the death of the Bruce and the reappearance of a Baliol on the stage, Archibald takes a foremost place in the ensuing struggle.

King Robert I., dying in 1329, left his realm to his son David, who, though barely six years old, was already married to Joanna, sister of Edward III., a few months older than himself. Randolph, Earl of Moray, acted as Regent until his sudden death at Musselburgh in 1332, when the young King's first cousin, Donald, Earl of Mar, was elected Regent by the Estates. King Robert had left a heritage of ill-blood to his successor by neglecting to fulfil the stipulation in the treaty of Northampton [4th May 1328] binding him to restore the lands forfeited from certain lords in the war of independence—Wake, Lord of Liddesdale, Beaumont, Earl of Buchan, and others of less note. These disinherited lords, *les querelleurs* as they were called, attached themselves to the English Court, whither came also in 1330 Edward Baliol, seeking, if not his father's crown, at least his father's forfeited Scottish lands.

On 30th December 1330 Edward III. demanded the restoration of their lands to Wake and Beaumont. Regent

¹ There is no reference in this name to a conflict. It is an Anglo-Saxon compound—*mōr bott*, the dwelling on the moor or by the marsh, exactly equivalent to the more familiar Morton.

² Wrongly printed Ormond in Douglas's *Peerage*, which estate came to the Douglas family long after through Joanna Moray, heiress of Bothwell.

³ *Scalacronica*, 154. Barbour, cxli. 124.

x. Sir Archibald Douglas, "the Tine-man," Regent of Scotland, died 1333.

The disinherited Lords, 1332.

Moray temporised: to dislodge the existing proprietors would have been to raise up a fresh body of malcontents nearer home, and negotiations dragged on for eighteen months. King Edward, despairing of the fulfilment of the treaty so justly demanded by him, now adopted the claim of Edward Baliol to the crown of Scotland, and did not interfere when the disinherited lords, having fitted out an independent expedition in the summer of 1332, landed with Edward Baliol in Fife. Mar, the new Regent, met the invaders on the Earn, near Dupplin, on 12th August, but although his force greatly outnumbered the invaders, the Scots were utterly defeated, Mar himself, with Menteith and the young Earl of Moray, being among the slain. Sir Archibald Douglas held command under the Earl of March, who lay near Perth with another large force. Baliol and the English had thrown themselves into that town after their victory at Dupplin, and were promptly blockaded there by March.

Promptly, but not effectively. Tidings came of a rising in Galloway, always tender to the Baliol cause, under Sir Eustace Maxwell of Carlaverock, ever a shifty patriot; and March made speed thither to chastise the rebels. Scone witnessed the coronation of Baliol as Edward, King of Scots [27th September], and the new monarch set out on a progress through the west and south. But for his incorrigible luck the Tineman should have captured the usurper near Jedburgh; but an ambush laid for Baliol by Douglas was detected and put to flight, Baliol taking his ease that night in Kelso.

Archibald came nearer success in his next exploit. Baliol, after performing his allegiance to the King of England at Roxburgh [23rd November], rode to Annan intending to keep Christmas there. But Annandale, notwithstanding its proximity to Carlaverock, was no safe harbour for one of his race. Archibald Douglas, having with him the 3rd Earl of Moray, was still upon his tracks. Riding from Moffat during the night of 15th-16th December with a strong

Reappear-
ance of
Edward
Baliol, 1332.

Camisade of
Annan, De-
cember 1332.

company, he gave the usurper a sharp camisade before daylight. Sir Walter Comyn and Sir John Mowbray were slain, Baliol himself escaping in his shirt-tails—"on a barme horse, with legys bare";¹ or, as Bower puts it, "on a sorry jade, with neither bridle nor saddle; one shank booted, the other bare."² Taken he must have been without fail, but for the prowess of his brother, Sir Henry de Baliol, who, with other naked men, made a gallant resistance before he fell dead in the dark. Thus it came to pass that the Tineman was balked of the fairest chance that ever befel him; even what he accomplished is smirched by the English chroniclers Hemingburgh and Walsingham, who allege that in this exploit he broke a truce which March and Douglas, solicitous for the safety of their own lands, had made with Baliol till 2nd February following; but of this treachery there is no sure evidence forthcoming.

On 9th March Baliol re-entered Scotland by the eastern border to avenge the ignominy of his exit by the western. On the 21st the Tineman raided Gilsland in counter-stroke, and collected a deal of booty. But this was the last gleam of success on his arms. After Mar's death Sir Andrew Moray, perhaps the son of Wallace's colleague, had been appointed Regent, but soon afterwards was captured by the English at Roxburgh,³ and the Tineman was chosen to succeed him. His administration was short and in harmony with his earlier fortune.

Baliol had ceded Berwick to Edward III. under the treaty of Roxburgh, but it was still held for King David, Sir Alexander de Seton commanding in the town, the Earl of March in the castle. The two Edwards appeared before the walls in May 1333. Seton undertook to surrender unless relieved by a given day, handing over his son, among others, as hostages. The Tineman marched to his relief, and appeared in plenty of time with plenty of force. He

¹ Wyntoun, viii. c. 26.

² Bower, xiii. 25.

³ Most historians assign Moray's capture to November 1332, but Wyntoun and Bower both state that the camisade of Annan was in accordance with Moray's commands.—Wyntoun, i. viii. c. 26, l. 385. Bower, xiii. 25.

Douglas appointed Regent of Scotland, 1333.

threw supplies and reinforcements into the town, thereby, as he claimed, having technically relieved the place ; after which he must needs go off raiding and looting across the border. The Edwards sat still until the Scots were well across the Tweed, and then summoned the garrison. Seton protested that the stipulated relief had been effected ; the English King rejoined by hanging Seton's son before the father's eyes, intimating that he was prepared with other arguments of a like nature. A fresh compact was struck. Berwick would be given up if not relieved within fourteen days, and messengers were sent after the Tineman. King Edward wished no better fortune than to wait his return upon ground of his own choosing, for the zone of fire from English archers was ill to cross by an attacking force. He took up a position on Halidon Hill, the rising land to the north-west of the town ; the Regent crossed the Tweed and encamped not far off in Duns park. He surely must have heard from his brother the lesson so often read to the Scottish knights by Robert the Bruce, never to risk a pitched battle or to face the fire of English archers where it was possible to adopt the safer strategy of falling back and making a desert of the country before an invading army. Never would such a policy have been more effective than at this time, for there was much discontent among the English, desertions were frequent, and the levies of the northern shires had not turned out readily to muster. But the Tineman was "fey" ; it was written that he was never to succeed, as surely as his brother had never failed, and he decided to attack the enemy's position.

Between the two camps lay a marsh, as was generally the case in Scottish battle grounds : a valuable feature as it proved at Bannockburn, where the right use was made of it ; a frightful danger to a headstrong commander, as was to be proved this day, and hereafter at Flodden. The Scots crossed the marsh in four columns, under a destructive archery fire ; soaked with water and mire, the thinned ranks formed at the foot of a steep brae whereon the English line

Battle of
Halidon
Hill, 1333.

of battle was drawn. It was no even contest. The leading division under the Earl of Ross climbed the steep and attacked Baliol's line with splendid courage, but their devotion served but to make their losses the heavier. One after another the other Scottish schiltroms, under Moray, the Steward, and the Regent himself, breasted the hill and encountered the same fate. All were heavily, disastrously repulsed, sacrificed to their leader's blunder. How bravely

both leaders and followers bore themselves let the death-roll tell. Six Scottish earls, at least, died in their harness—Lennox, Ross, Sutherland, Carrick, Menteith, and Athol; three brothers Fraser; William, Lord of Douglas [vii.], and of other good knights too many to recount. The Tineman himself made the last of his losses, his own life—irreparable to himself, and the most coveted town and seaport in Scotland—irreparable to his country, for Berwick has remained an English borough ever since, except for twenty-one years after Henry VI. restored it [1461–1482].

The Tineman married Beatrice, daughter of Sir Alexander de Lindsay of Crawford. They had two sons and a daughter—(1) John, who died in France before 1342 in the retinue of David II.; (2) William [xi.], who became Lord of Douglas; and (3) Eleanor, who married (1st) Alexander, Earl of Carrick, natural son of Edward Bruce, King of Ireland. He was killed at Halidon Hill, when she married (2nd) Sir James de Sandilands, ancestor of the present Lord Torphichen, who still owns the lands of West Calder, bestowed upon Dame Eleanor by her brother William [xi.].¹ Sir James died before 1358, when his widow is believed to have married (3rd) Sir William Tours of Dalry. Before 1368 she was the wife (4th) of Sir Duncan Wallace of Sundrum; and lastly, in 1376, a dispensation was obtained for her marriage with Sir Patrick Hepburn of Hailes. Chivalrous warfare was fatal to the longevity of husbands, but well-dowered widows needed never to remain disconsolate for long.

¹ Fraser, iii. 15.

Death of Sir
Archibald
Douglas, 19th
July 1333.

At the time of the Tineman's death his second son, a minor and ward of the Knight of Liddesdale,¹ was being educated in France. He returned to Scotland about 1348, probably about the time he came of age. The state of affairs in that realm was deplorable. The yoke of Baliol, indeed, had been thrown off; by arms, or by corruption of the partisans of Baliol, nearly all the strongholds of Scotland had come into the hands of David's officers, and Robert the Steward [afterwards King Robert II.] was Regent. King David, a lad of eighteen, had returned to his kingdom with his English Queen, Joanna [2nd June 1341]; but almost his first public act had been to give mortal offence to the Knight of Liddesdale, who was thenceforward to be



Fig. 8.—Seal of William, Lord of Douglas (1342-1384).

reckoned among the least loyal of his subjects; albeit he shared the fate of King David himself in being taken prisoner at the disastrous battle of Neville's Cross [17th October 1346].

Young William returned to restore the fair fame of his house. He went straight to Douglasdale, summoned his retainers to his standard, and took up his quarters in the forests of Ettrick and Jedburgh, whence he carried on guerrilla war upon the English. He was one of those appointed in 1351 to treat with the English Commissioners for the liberation of King David.² Edward Baliol was living on his lands of Buittle at this time, awaiting another turn of the wheel in his favour; but these lands were of the rightful heritage of Douglas,³ who therefore in the summer

¹ *Morton*, ii. 46.

² Sir William Fraser has cleared William, Lord of Douglas's, fame from the imputation of underhand dealing with the English at this time. Lord Hailes, in casting it, confused him with the other William, the Knight of Liddesdale.—*Fraser*, i. 218-220.

³ See p. 57, *ante*.

of 1353 made a descent upon them and exacted submission to King David from the Baliolite chiefs of Galloway. In this he was probably acting as Warden of the Marches in concert with Stuart, Earl of Carrick [afterwards Robert III.], who was subduing Annandale, and with Sir Roger Kirkpatrick, who took Dalswinton and Carlaverock in Nithsdale about this time.

Now, in July 1352, the Knight of Liddesdale, godfather and former guardian of William, Lord of Douglas, being then in prison in the Tower of London, where also lay King David, did agree to most treasonable conditions

Slaughter of
the Knight of
Liddesdale,
August 1353.

with the King of England, whereby he obtained his liberty and a grant of the lands of Liddesdale and the Tower of Hermitage.¹ Shame upon the "Flower of Chivalry"! the first to bring

dishonour upon the scutcheon of his race. Returning to Scotland, he was speedily called to account for other and private crimes. To explain their precise nature would require long and tedious examination of a very complicated business, already undertaken by the practised hand of Sir William Fraser. Mention has already been made of the grant by Hugh the Dull [ix.] to Sir William Douglas of Lothian of the lands of Liddesdale, from which he afterwards derived his distinctive title of "Knight of Liddesdale." Very shortly after the execution of this grant, in February 1342, Robert the Steward, in Parliament at Aberdeen, demanded sasine of these same lands, in virtue of a crown grant made to him on being knighted. The claim was opposed by the Knight of Liddesdale, on the ground that he held the lands in virtue of his guardianship of William [xi.], son and heir of Sir Archibald [x.], in support of which he showed a charter of infeftment in favour of Sir Archibald.² True, the objection was overruled on the ground that Archibald, being at the time of the said grant guardian of the realm, could not bestow lands upon himself,³ and the grant was made to the Steward; nevertheless, two days later a fresh grant of Liddesdale was made out

¹ *Federa*, v. 738.

² *Morton*, ii. 46, 47.

³ *Ibid.*

in favour of Sir William Douglas, who compensated the Steward by making over to him the lands of Athol.¹ The young lord of Douglas therefore, returning home, was deeply displeased to find part of what he considered his rightful heritage in the possession of his godfather and overrun by English partisans. The allegation that he was jealous of the Knight of Liddesdale's attentions to his "countess" rests upon the slippery foundation of a ballad, and can scarcely be maintained; because, while it is doubtful whether young Douglas was married at all as early as 1353, it is certain that his wife could not have been a countess till he himself was made an earl in 1358. There was plenty of other matter for dispute between godfather and godson. Besides Liddesdale, there were the other broad lands which Hugh the Dull had been cajoled or coerced into making over to the Flower of Chivalry, and the young lord may have spoken his mind plainly about the foul murders by his godfather of Sir Alexander de Ramsay and Sir David de Barclay.² The immediate cause of the last fatal dispute between these two Douglasses seems simple enough, although of the circumstances little is known. In August 1353 the Lord of Douglas, probably returning from the subjugation of Galloway, found the Knight of Liddesdale hunting in Ettrick Forest, where the young lord claimed exclusive rights. High words would pass; swords leap lightly from their scabbards. Young Douglas presumably had the stronger following, and the Knight of Liddesdale was slain. The place was known as Galsewood, but is now called Williamhope, in commemoration, it is supposed, of the slaughter of one William Douglas by the other. Godscroft [Hamilton Palace MS.] states that in his day it was called William's Cross.

Shortly after this deed, namely, in February 1354, King David bestowed a fresh charter upon William, Lord of Douglas, of all the lands possessed by his uncle the Good

¹ *Morton*, ii. 48.

² See p. 224, *post*. Fordun alleges this as one of the reasons for the quarrel.—*Fordun*, ii. 360.

Sir James [vii.], and his father Sir Archibald [x.], including Liddesdale.¹ It is remarkable that no notice is made therein either of the decree of nullity of Sir Archibald's title to Liddesdale in 1342, nor of possession thereof by the Knight of Liddesdale.²

Negotiations for the liberation of King David had been proceeding for some time under the existing truce; twenty Scots gentlemen had been enumerated as hostages, and Douglas, with three other barons, had been accepted as security for payment of the ransom, which David's brother-in-law of England had fixed at the substantial figure of 90,000 marks. But there were conditions in this treaty unfavourable to France, and at Easter King John II. sent over to Scotland Sir Eugene de Garencières with other knights, conveying a subsidy of 40,000 *moutons d'or*. Hostilities opened with an English raid upon the lands of the Earl of March, who retaliated by a movement upon Norham Castle. Here stout old Sir Thomas Gray was constable, and Douglas sent out some foragers under Sir William de Ramsay to tempt him forth. The lure was successful: Gray rode out with a squadron of fifty to eighty spears; Ramsay fell back before him towards Nisbet, where Douglas had ensconced himself with a superior force. The retreat of the English was cut off; in a charge upon Douglas's party they were worsted. Young Thomas Gray, whom his father had just knighted, was among the prisoners taken, and employed his subsequent captivity in Edinburgh Castle to good purpose in composing his delightful *Scalacronica*.³

¹ Fraser, i. 226. This important charter is not mentioned in Robertson's Index, but is known by two transumpt, one in the Douglas charter chest, the other at Cavers.

² Mr. Cosmo Innes put on record that the regnal years of David II. after his return from France are stated one short of the actual date. Hence, although this charter to William, Lord of Douglas, bears to have been granted on 12th February in the twenty-fourth year of the reign, which was 1353, David was not in Scotland during that year, and the true date must have been 1354.—*Ibid.*, i. 227, note.

³ Sir Thomas Gray of Heton in Northumberland was ancestor of the present Earl Grey and Sir Edward Grey, Bart., M.P.

On 25th January 1356 Edward III. obtained from Edward Baliol the gold crown of Scotland and a sod of Scottish earth, in token of his total renunciation of all claims to the throne of Scotland, and proceeded to reduce that kingdom to his will. He appeared at Roxburgh at the head of a very magnificent army, and there Douglas arrived as an exponent in the craft of diplomacy. Of all the weapons in the diplomat's armoury none is more effective than procrastination, and well did Douglas wield it on this occasion. Having none but fictitious proposals to make, he wasted ten days in making them, which the Steward spent to such good profit that when, at last, King Edward advanced he found the country a desert. A storm destroyed his fleet, and to avoid starvation he was forced to beat a retreat, venting his ill-humour in destroying churches and houses to an extent remarkable even in those days, so that the season was known ever after as the Burnt Candlemas. Douglas, like his uncle Sir James, was an expert in ambuscade, and came very near taking King Edward himself on the outskirts of Melrose.¹

The Burnt
Candlemas,
1356.

The King of England was no sooner back in London than he made up his mind to swallow a bitter draught by appointing ten Commissioners to treat for peace with the Scots [25th March 1356]; but he still held the master card in the person of King David. Douglas, one of the wardens of the Marches, arranged at Roxburgh with the English warden, the Earl of Northampton, a truce to endure till Michaelmas,² and in June obtained a safe-conduct [3rd June—15th August] from King Edward to enable him to visit King David and to further the preliminaries of his release. But, as a precaution against that rust which good chevaliers did so greatly dread should gather upon their arms in times of truce, he sought service under the King of France against the Black Prince, in time to share with the French chivalry the awful disaster of Poitiers [19th

Battle of
Poitiers,
1356.

¹ Fordun, i. 374.

² *Fœdera*, v. 849, 857.

September 1356].¹ Douglas seems to have tempered his valour that day with some discretion, for Froissart says he "fought very valiantly for a while; but when he perceived that the French were hopelessly defeated he made off as fast as he could; for so much did he dread being taken by the English that he had preferred to be slain."² Before the battle he had received knighthood at the hand of King John of France. He was back again in Scotland during the autumn and seized the castle of Hermitage, at that time an English possession, because of a raid upon Eskdale done from that place by Sir Robert Twylloll. This Douglas did, not in violation of the truce, but in the exercise of his jurisdiction as Warden of the Marches.

King David's eleven years of captivity came to an end on 3rd October 1357; the price exacted from the Scots

Liberation of King David, 3rd Oct. 1357. for the privilege of receiving back their King being 100,000 marks in ten yearly payments, a crushing burden upon a people so greatly impoverished already in their struggle for independence that their coinage had been considerably debased.

On 26th January 1358 Douglas was created an earl, the precise date being denoted by his having witnessed one

Douglas created an earl, 26th Jan. 1358.

of the King's charters on the 25th as "William, Lord of Douglas, knight,"³ and another on the 27th as Earl of Douglas.⁴ By this time he was married; probably in the preceding year, when his wife, Margaret, is first mentioned in a charter from



Fig. 9.—Seal of the Earl of Douglas.

¹ Douglas had probably started on a pilgrimage in expiation of his slaughter of the Knight of Liddesdale, which he abandoned on meeting the chance of an exploit against the English.—See *Scalacronica*, 175.

² Froissart, clxi.

³ *The Stirlings of Keir*, by William Fraser, p. 199.

⁴ *Acts of Parl. Scot.*, i. 522.

the King. This Margaret was sister and heiress of Thomas, Earl of Mar, and with her Douglas received the barony of Drumlanrig. During the next few years Douglas frequently travelled to England, probably in connection with his duties as surety for the instalments of ransom. Matters had not been running smoothly in Scotland since the return of the King. Queen Joanna died childless in August 1362; David, whose enforced residence at the English Court had not been without compensating amenities, was already suspected, if not known, to entertain unhallowed views about altering the Scottish succession in favour of the line of Plantagenet, to the prejudice of the rightful heir of the Bruce—his nephew, Robert the Steward, whom he hated. Already, in 1358, David had bestowed the earldom of Moray upon Henry, Duke of Lancaster, with remainder to his heirs male, whom failing, to his two daughters for their lives.¹ But the immediate cause of offence arose out of the way King David had of fingering the moneys exacted from his subjects for his ransom, and applying them to his private expenditure.

Herein Douglas's honour and (which touched him perhaps as closely) his interest were directly involved, for was he not one of the sureties for punctual payment of the yearly instalments of ransom to the English Exchequer? Accordingly he entered into a bond with the Steward and the Earl of March to right affairs by force of arms, and led off by seizing the King's castle of Dirleton. Then these three lords presented a petition to the King, setting forth their complaints in regard to the misapplied funds. Fordun denies that there were any grounds for this complaint;² but David's *Exchequer Rolls* tell a different story. His mistress, Margaret Drummond of Logie, who became his Queen about this

¹ Bain, iv. 3. The Earl of Douglas was witness to this grant, as was Robert the Steward also. The significance of such a grant to an alien cannot be understood without remembering that in those days, and for long after, the title of earl was inseparable from possession of the *comitatus*, i.e. the lands comprised in the earldom.

² Fordun, i. 381, ii. 370.

time, had numerous needy relations, to whom the King was liberal in gifts and remission of customs, etc.¹

Douglas's rising was not a very formidable affair: at least, it collapsed as suddenly as it had broken out. From Dirleton he looted Inverkeithing by night;² by night also the King in turn surprised him at Lanark, the earl escaping with much difficulty. Afterwards [14th May 1363] the malcontent barons made their submission to the King in terms set forth at length by Bower.³

Douglas's movements during the next few months are of moment as throwing light upon the part he took in a very remarkable transaction. On 6th October 1363 King David went to Westminster and there drafted with King Edward and his Council an international treaty to be submitted by King David to his Parliament.⁴ This draft treaty provided that in the event of David's demise without [male] issue the King of England should succeed to the throne of Scotland; Berwick, Roxburgh, Jedburgh, Lochmaben, and all lands and castles in Scotland held by the King of England were to be delivered up at once to the Scots, and the ransom due for the King of Scots was to be remitted and all hostages for its payment released. There were a number of articles safeguarding the integrity of the kingdom of Scotland, the rights of its subjects, the freedom of its trade, and providing against any union or incorporation with England; but of the eight-and-twenty articles contained in this draft treaty, the seventeenth is the one which most profoundly affects the reputation of the Earl of Douglas. It provided that "the Earl of Douglas should be restored to the estates in England to which his father and uncle had right, or to receive an equivalent in a suitable place." Was this the price for which Douglas gave his consent and active support to a policy so startling, which, if carried into effect, would have disinherited his former ally, Robert the Steward, and plunged

First secret
treaty with
England,
1363.

¹ *Exchequer Rolls*, ii. pp. lvii., 136, 167, 174.

² *Ibid.*, pp. 1., 154.

³ Bower, xiv. 27.

⁴ Printed in Lord Hailes' *Annals*, ii. 307.

his country into a new war of succession?—a policy which, when King David submitted the treaty to his Parliament at Scone on 4th March 1364, that Parliament emphatically rejected—“We will never have an Englishman to reign over us.”

Sir William Fraser says: “No; there is no proof that Douglas was privy to this treaty, because there is no evidence that he was in Westminster at the time it was drafted.”¹ Sir William must be acquitted of an unsuccessful attempt at special pleading, not having before him the very convincing evidence furnished in King Edward’s *Issue Roll* for that year. The draft treaty was completed 27th November 1363. On 6th December King Edward made gifts “to divers lords and others who came to England in the retinue of the King of Scotland about a treaty of peace between the Kings.” The first on the list of these lords is the Earl of Douglas, who received a gilt cup, money weight 100s. 9d., value £10, 18s. Two days later the goldsmith was paid £6, 17s. 3d. extra for the two cups given to the Earl of Douglas and Sir Robert Erskine.”² Undoubtedly Douglas was not only present in Westminster when the treaty was arranged and cognisant of its terms, but he had travelled to London for the express purpose of negotiating it.

When King David submitted this treaty to his Parliament at Scone on 4th March 1364, he was not left long in doubt as to the hopelessness of inducing his subjects to agree to it. From this Parliament Douglas had the good taste to absent himself. The treaty was rejected, but negotiations with England were not broken off. Sir Robert Erskine and other delegates were sent to confer with English representatives, and reported to the Parliament held in January 1365. A second draft treaty has lately come to light.³ It is undated, and purports to consist of proposals at a conference between the Privy Councils of the Kings of England and Scotland. It provides for the restoration by King

¹ The second secret treaty, 1364.

¹ Fraser, i. 243.

² Bain, iv. 22.

³ *Ibid.*, 21.

Edward of all castles held by him in Scotland ; peace is to be established for a thousand years between England and Scotland ; the King of Scots and his lords are to support the King of England in his war in Flanders for fifteen years, if need be ; the disinherited lords, and all Englishmen who have lost their lands in Scotland since the death of Robert the Bruce, are to be reinstated, and should King David die without legitimate issue the succession to the throne of Scotland shall devolve upon a son of the King of England, other than the heir-apparent. There is no mention of the proposed restitution to the Earl of Douglas of his English possessions.

Now, in the absence of any date to this document it is not possible to identify it as the outcome of Sir Robert Erskine's embassy after the rejection of the first draft treaty. It may have been only an alternative draft considered between the Kings at their conference in November 1363. But the probability is that it was the product of the second conference, and as such was submitted to the Scottish Parliament at Perth in January 1365. From this Parliament Douglas was again absent, but in Edinburgh, not long after, he affixed his seal in token of consent to the Act which was the outcome of the deliberations upon the proposed treaty, and swore to use his whole power against any persons who should resist or contravene it. Under this Act the succession to the throne of Scotland was not interfered with, but the Isle of Man and certain of the old Baliol lands in Galloway were settled upon a younger son of the King of England. The disinherited lords were to be restored and King David's ransom remitted.¹

This was very far short of the length to which King David and the Earl of Douglas had been ready to go. To oust Robert the Steward from the succession in favour of an English prince was indeed a strange end for the joint labours of a son of the Bruce and a nephew of the Black Douglas : lamentable outcome, it

¹ *Acts of Parl. Scot.*, i. 137, 138.

might be deemed, of the fiery years spent in securing Scottish independence. Nevertheless, in the circumstances of the kingdom may be found some extenuation. The succession was clouded by the doubtful legitimacy of the Steward's numerous family. Threatened civil strife might be averted by union of the crowns, then a dream of far-sighted statesmen, and to remain so for centuries to come. Scotland had plunged low in the trough of poverty; the splendid tenacity of her sons had drained her veins to the fainting point; ways and means were near an *impasse*, the King having proved incapable of that frugality which alone could enable the burden of ransom to be discharged. The only remedy lay in a durable peace, which so many heads had ached in devising, so many hearts sickened in hoping for. All these were considerations which might be entertained without dishonour; the sole blot upon Douglas's integrity remains in the damning provision in the first treaty whereby, throwing over the Steward, his colleague in the late rebellion, he was to be a private gainer by a public covenant.

After the miscarriage of these negotiations Douglas became lukewarm in loyalty to David. Doubtless the King's conduct was indiscreet and very trying to his lieges. The hungry tribe of Drummonds, relations of the Queen, had to be satisfied, which could not be managed without disturbing vested interests. Deep umbrage was taken at David's grant, in 1367, of the lands of Annandale to his stepson, John of Logie. These lands were claimed by George, Earl of March, in right of his mother,¹ daughter of Randolph, Earl of Moray, who had received them from Robert I.

True, these lands were at the time in possession of the King of England, and March, as well as Douglas and the Steward, gave written consent to the charter to Logie, but from that time forward these three nobles, often absenting themselves "contumaciously" from Par-

¹ Not "Black Agnes," but her younger sister, Geleis Randolph.—Bain, iv. p. xxii.

Renewed dis-
affection of
Douglas.

liament, represented a faction in opposition to the King, and especially to his Queen. Happily for Scotland, when disorder was at its darkest relief came from the old quarter—France, where Edward III. had his hands more than full, and on 20th July 1369 a treaty of peace for fourteen years with England was signed in Edinburgh.

In 1370 the Earl of Douglas executed a renunciation of the barony of Dalkeith.¹ It is not clear what rights

he possessed in these lands, seeing that they had belonged to the Knight of Liddesdale, and had passed on his death in 1353 to his only child Mary, who died in 1367; when Sir James Douglas, eldest son of the Knight's elder brother John, was served heir to certain lands in Dumfriesshire, in terms of the entail executed by the Knight.² Sir James must have been in possession of Dalkeith in 1369, for in that year he resigned the lands into the King's hands in order to receive a fresh grant of them,³ and licence to rebuild the castle.⁴ Nevertheless, the Earl of Douglas seems to have resided at Dalkeith some time between the years 1361 and 1366, because the historian Froissart, travelling through Scotland about that time, with a portmanteau strapped to his saddle and followed by a greyhound, was his guest at Dalkeith (*château d'Alqueth*) for "full fifteen days."⁵

David II. died 22nd February 1371, and was succeeded by Robert the Steward, in terms of the settlement of 1318.

Now Douglas had once been a warm friend of the Steward, and had supported him, even to taking up arms against the King, in controlling David's extravagance. Wyntoun is the chief authority for the statement that Douglas opposed the accession of Robert by force. The earl, he says, had assembled his followers at Linlithgow, but the Earl of March advanced to attack him with a superior force, and persuaded him to give up his opposition, or, as Bower interprets it, his pretensions to the throne, on condition that his

Resignation
of lands of
Dalkeith, 6th
April 1370.

Douglas dis-
putes the
succession,
1371.

¹ *Morton*, ii. 72.

² *Ibid.*, 53, 64.

³ *Ibid.*, 75.

⁴ *Ibid.*, 69.

⁵ Froissart, iii. c. 126.

son James should receive one of the new King's daughters in marriage—

“And the King to this mariage
Gawe silber and land in heritage.
Thus efftere a royd harsh begynnyng
Happynt a sofft and gud endyng.”¹

Douglas was promptly restored to favour, being appointed Justiciar of Scotland south of the Forth,² and



Fig. 10.—Seal of the Earl of Douglas and Mar.

was present in Parliament at Scone in April 1373, when the royal succession was settled upon the five surviving sons of Robert II. and their heirs respectively. Of these sons

¹ Wyntoun, ix. 1. Godscroft's story about Douglas claiming the throne by succession through his mother Dornagilla, daughter of John Comyn, is wholly apocryphal. His mother was Beatrice de Lindsay.

² *Exchequer Rolls*, ii. 394, 462.

the three elder owed their dubious legitimacy to the Papal dispensation of 1349 for the marriage of their father with Elizabeth Mure.

The first five years of the reign of Robert II. were marked by great scarcity in Scotland, and Douglas seems to have been busy as Warden of the Marches in keeping away the borderers. About 1373-1374 his possessions, already immense, were increased by the addition of the lands of his brother-in-law, Thomas, 13th Earl of Mar, who, though twice married, died without issue.¹ Douglas came into possession of the earldom and estates at once in right of his wife, and was henceforward by far the most powerful subject under that monarchy which his uncle had been the chief agent in restoring.² Powerful as he was, however, the task of maintaining peace on the Border proved beyond his power, even if we could be sure that he had the will. The truce was timed to expire in 1383, but the Earl of March could not endure to see his rightful heritage of Annandale still in English hands. He made war on his own account in 1377, wasting Annandale and burning Roxburgh town.

The Earl of Northumberland appealed to Douglas as warden,³ but Douglas was unwilling to interfere. He could only have dispersed March's troops by force, and may be pardoned if he preferred international to civil warfare, albeit at the expense of the truce. Northumberland, crossing the Border in strength, ravaged Tweeddale for three days in reprisal for the mischief done at Roxburgh. Douglas, according to Froissart, lay at a place called Hondebray,⁴ where he received word that Sir

Succeeds to
the earldom
of Mar, c.
1373-1374.

Hostilities on
the Border,
1377-1380.

¹ The last mention of him occurs in a safe-conduct passing him to England, 22nd October 1373 [*Rotuli Scotiæ*, i. 960]. Douglas is styled Earl of Douglas and Mar in several charters, etc., of Robert II. [*Liber de Melros*, ii. 446, 451, 455, 456, 462, 478].

² See Appendix A, p. 95, *The Earldom of Mar*.

³ Bain, iv. 53.

⁴ Froissart, ii. c. 9. Lord Berners identifies Hondebray with Haddington, but the place more probably was Humberie, formerly written Hundebie. Had-

Thomas Musgrave was holding Melrose with a detachment. He determined to give Northumberland the slip and make a dash for Musgrave. He timed his march so as to reach Melrose at midnight. It was the month of August, but they were overtaken by such a tempest of wind and rain that the pages dropped their masters' spears for very cold, and the party had to take shelter in the woods. "They were full seven hundred lances, and two thousand others, whom I call lusty varlets, armed with hunting spears, dirks and pointed staves."¹ In the morning they sent out foragers, who encountered an English foraging party, whereby Musgrave received warning of the presence of the enemy. He turned out his force at once, and rode forth to give battle. When the two forces were in view of each other the Earl of Douglas, says Froissart, bestowed knighthood upon his son,² and Sir Thomas Musgrave upon his. Thus ceremoniously were combats undertaken before chivalry had begun to wane. Then they set to with a will. "Sir Archibald Douglas [xiii.]," says the sympathetic Froissart, "was a good knight, and much feared by his enemies; when near to the English he dismounted, and wielded before him an immense sword whose blade was two ells long, which another could not have lifted from the ground; but he found no difficulty in handling it, and gave such terrible strokes that all on whom they fell were struck to the ground."³ The English were routed, Musgrave and many of his following being taken prisoners.

dington cannot be described as among the mountains. Froissart says that Douglas heard here of the re-capture of Berwick by Northumberland, and the slaughter of the Scots there; but that did not take place till 1378, whereas we know from Northumberland's account in the Exchequer that Musgrave's capture preceded the taking of Berwick by more than a year [Bain, iv. 56]. This accords with the dates given by Wyntoun and Bower, who, however, give March the credit of taking Musgrave.

¹ Froissart, ii. c. 9.

² James, afterwards 2nd earl. If Froissart be accurate it must have been the dignity of knight-banneret which was conferred, as upon his great-uncle at Bannockburn, for James was a knight as early as 1372.—*Rotuli Scotiae*, i. 952.

³ Froissart, ii. c. 10.

Next year [25th November 1378] a band of fifty Scots adventurers captured Berwick, and held it for eight or nine days in defiance of a large force under the Earl of Northumberland. Douglas and his cousin Sir Archibald marched to relieve the place, but finding the English too strong, drew off into the Lothians. The English earl stormed Berwick and put all the Scots therein to the sword, except their commander, Alexander de Ramsay.

Such local conflicts as these were accounted as no more than chivalrous bickerings between free-lances of the two nations, scarcely inconsistent with the official truce. March meetings were frequent between the Earls of Northumberland and Douglas, the English and Scottish Wardens, where matters were discussed, protests examined, and futile agreements made for the better observance of the truce. These meetings were generally held during this reign at a place called "Lyliat Cross," which Mr. Bain identifies with the modern Lilliard's Edge, between Melrose and Jedburgh.¹

In the spring of 1380 the Earl of Douglas began operations on a far larger scale than heretofore. Mustering his vassals and their men to the number stated, Douglas invades England, 1380. probably with exaggeration, as 20,000, he carried a destructive raid into Cumberland and Westmorland, and drove off a very large number of cattle. The plague was raging at this time in the north of England, and Walsingham attributes its importation into Scotland to a counter-raid which crossed the Solway after the retreat of the Scots. This force, put by Walsingham at 15,000, and therefore probably not exceeding 3000 or 4000, was attacked and dispersed, but not before they had communicated the deadly infection, which proved very destructive in Scotland in this year. Immediately after these events John of Gaunt, Duke of Lancaster, was sent by King Richard II. with sufficient troops to wreak vengeance upon the Scots; but the ghost

¹ Bain, iv. pp. xx. 54, 57.

of the violated truce was raised; truce upon truce was arranged, first till November 1381, then till Candlemas 1384. The balance of success in these affairs remained with the Scots. The Earls of Douglas and March and Sir Archibald Douglas had redeemed most of the counties of Roxburgh and Berwick from the English sway, as appears from a memorandum drawn up for the information of "Monseigneur Despaigne" [John of Gaunt], and other Commissioners, about to hold a March meeting on 1st October 1380. Therein are defined the lands taken from Richard II. since "la grant triewe." The term of this long truce cannot have expired when the Earls of Douglas and March and Sir Archibald invested the Bruce's ancient castle of Lochmaben, a place of great natural and artificial strength, but weakly garrisoned and ill provisioned. Its keeper, Fetherstonhaugh, agreed to surrender if not relieved within eight days, during which the besiegers lay—

Capture of
Lochmaben
Castle, 4th
February
1384.

"En wykkyd weddyr, as wind and rane,
That thame dyd gret annoy and pane."¹

No relief came, so the castle was given up on the ninth day, 8th February, just two days after the expiry of the truce, and utterly dismantled; luckless Fetherstonhaugh being put under arrest when he arrived at Carlisle, and sent prisoner to Windsor.²

This affront brought the Duke of Lancaster into Scotland again as an invader. He advanced as far as Edinburgh, but by 23rd April he had withdrawn to Durham³ without having inflicted much injury; and Douglas, having recovered Annandale from the English with the help of the Earl of March, now resolved to expel the English from the possession they still kept of Teviotdale. He received a special commission from the King to that end, in which he was completely successful, and once more the Scotland of Bruce, with the exception of Berwick, was entirely under the dominion of her own monarch.

¹ Wyntoun, ix. 5.

² Bain, iv. 73, 77.

³ *Rotuli Scotie*, ii. 62.

This was the last service done by the 1st Earl of Douglas. In returning from Teviotdale to Douglas Castle, at the end of April or beginning of May 1384, he was suddenly seized by fever and died at Douglas. He was buried, not in St. Bride's beside his illustrious uncle, but at Melrose.

His career must be pronounced a brilliant and honourable one. Notice has been made above of certain transactions in which he does not seem to have been perfectly disinterested, and certainly at one time he inclined to—nay, promoted—a scheme which would have brought his country under English dominion. But he accepted the decision of his countrymen upon that matter, and thenceforward was a good chevalier and loyal Scot to his life's end. He raised his banner in rebellion when he perceived the King's actions and policy to be dangerous to the commonwealth, nevertheless from first to last he was a pillar of strength to the monarchy.

Godscroft goes utterly astray, and has led subsequent writers astray also, in assigning three wives to the 1st Earl of Douglas. He states that the first wife was Margaret of Dunbar, which is a confusion with Agnes of Dunbar, who married Sir James Douglas of Dalkeith in 1372. As the third wife, Godscroft mentions Margaret, daughter of Thomas Stuart, Earl of Angus;¹ but this is impossible, as the earl's only wife, Margaret of Mar, survived him, and in 1388 married Sir John de Swinton,² whom her son, 2nd Earl of Douglas and Mar, refers to in a charter of that year as his "very dear father."³ She bore two children to Douglas, James [xii.], who succeeded him, and Isabel, who, upon her brother's death in 1388, inherited the estates of Mar and his unentailed lands

¹ She was his mistress, however, and by him the mother of George Douglas, Earl of Angus.

² Swinton, after his stepson's death, was known by the ordinary baronial title of Lord of Mar.

³ *Liber de Melros*, ii. 465.

of Cavers, Jedburgh Forest, Liddesdale, the town of Selkirk, the superiority of Buittle and Drumlanrig, etc. The original Douglas territory went under entail to Sir Archibald "the Grim" [xiii].¹ Dame Isabel married Sir Malcolm Drummond, brother-in-law of Robert III., styled Lord of Mar and Garioch, in virtue of the lands which he possessed in right of his wife.² His widow married Alexander Stuart, and granted the earldom to him and their heirs [12th August and 9th December 1404],³ whom failing to her heirs.



Fig. 11.—Seal of Isabella Douglas, Countess of Mar, c. 1400.

She died in 1408, but her husband remained Earl of Mar till his death in 1435, when he died without issue, and the well-known Mar dispute began.⁴

Earl William also left at least two illegitimate children, namely, first, George Douglas, afterwards Earl of Angus [xxxviii.], whose mother was Earl William's sister-in-law, the widow of Thomas, 13th Earl of Mar, and Countess of Angus in her own right; and second, Margaret, who, marrying Thomas Johnson in 1404, received from "her dear sister" Isabella, Countess of Mar, a grant of the Mains of Bonjedward.⁵ She was therefore probably the ancestress of the family of Douglas of Bonjedward.



Fig. 12.—Signet of the Earl of Douglas and Mar.

¹ Fraser, i. 288.

² *Origines Parochiales*, i. 527, quoting Traquair charters.

³ *Reg. Magni Sigilli*, ii. 251.

⁴ Charter dated 9th December 1404, confirmed by the King. A previous charter, dated 12th August 1403, conveyed the earldom absolutely, but was set aside and not confirmed.

⁵ *Antiquities of Aberdeen and Banff*, iv. 731.

APPENDIX A

The Earldom of Mar

THE nature of the succession to and tenure of the ancient earldom of Mar by William, 1st Earl of Douglas [xi.], has been the subject of much litigation, resulting in the existence at the present day of two Earls of Mar under different creations, namely—

(1) John Francis Erskine Goodeve-Erskine, Earl of Mar, holding as heir-general the precedence of the original earldom which, upon the death of Thomas, Earl of Mar, in 1377, passed to his sister, Margaret, Countess of Douglas, as heir-general, and so to her daughter Countess Isabel.

(2) Walter John Francis Erskine, Earl of Mar and Kellie, Lord Erskine, etc., heir-male of John, 6th Lord Erskine [afterwards Regent], who received from Queen Mary a charter dated 23rd June 1565, restoring to him the earldom as heir of Isabel, sister of the 2nd Earl of Douglas [xii.]. This Earl of Douglas having died at Otterburn in 1388 without lawful issue, his sister Isabel succeeded to the earldom on the death of her mother, Countess Margaret, in 1390.

It is no concern of the present work to follow the intricate arguments which resulted in the judgment pronounced by the House of Lords upon the Mar Peerage Case in 1885; but seeing that Sir William Fraser has committed himself in the *Douglas Book* to an explanation of the transmission of the earldom which is wholly at variance with that judgment,¹ it seems desirable to recapitulate briefly the circumstances which have brought about the anomaly of two Earls of Mar.

Sir William held that the ancient earldom of Mar, being limited to heirs-male, came to an end with the

¹ It is not suggested that Sir William Fraser ignored the judgment of the House of Lords in 1885. His book was printed before judgment was pronounced.

death of Thomas, 13th Earl of Mar, in 1373-74. Mar, he argued, was the premier earldom of Scotland; Douglas in 1374 was the youngest [creation 1358], yet after 1374 Douglas was always styled Earl of Douglas and Mar, and after his death his widow continued to be Countess of Douglas and Mar, the inference being that Douglas never became 14th Earl of Mar, but was the first under a new creation. Sir William also held that the 2nd Earl of Douglas [xii.] was recognised as Earl of Mar during his mother's life, but of this there is no conclusive evidence, and no instance of his having used the arms of Mar quartered with those of Douglas, as his father did.

Isabel Douglas, Countess of Mar in her own right, married—first, Sir Malcolm Drummond, brother of Queen Annabella, spouse of Robert III.; second, Alexander Stuart, natural son of Alexander, Earl of Buchan, brother of Robert III., to whom she conveyed the earldom of Mar in liferent by charter dated 9th December 1404, duly confirmed by Robert III., although it was in contravention of an engagement made in 1395 with Sir Thomas Erskine, heir of Elyne, daughter and heir-presumptive of Graitney, 7th Earl of Mar [died *c.* 1305]. When Countess Isabel died without issue in 1409, her husband, Alexander, continued life-renter of the earldom, and in 1426 obtained from James I. a charter thereof in favour of himself and his natural son, Sir Thomas Stuart, with remainder to the crown. Sir Thomas died, without issue, before his father, on whose death in 1435 James I. took possession of the lands of the earldom. But Robert Erskine, son of the above-named Elyne, having been made a Lord of Parliament with the title of Lord Erskine before 1429, was retoured heir of Countess Isabel, and used the title of Earl of Mar. James II. succeeded in getting this service reduced by an assize of error in 1457, on the ground of Thomas's bastardy, and the earldom was pronounced to have reverted to the Crown on the death of Alexander, husband of Countess Isabel. It was afterwards bestowed by James II. and James III. upon four of their several

sons, legitimate and natural, in succession; but John, 6th Lord Erskine, obtained a revision of his rights, with the result that Queen Mary granted him the earldom of Mar by a charter dated 23rd June 1565, declaring that he had been unjustly dispossessed of his rights as heir of Isabel of Mar. He was thereafter recognised as Earl of Mar, and became Regent of Scotland in 1571.

The great-great-great-grandson of this earl having been attainted and forfeited for his part in the Jacobite rising of 1715, his lands of Alloa were purchased by his brother, Lord Grange [a Lord of Session], who entailed them upon Thomas, Lord Erskine, only son of the attainted earl, whom failing, upon the said Thomas's half-sister, Lady Frances Erskine, and her male issue.¹ Lady Frances married in 1740 her cousin, James Erskine, second son of her uncle, Lord Grange, who, after the death of Grange's elder son, Charles, in 1774, and the death of Thomas, Lord Erskine, in 1776, became heir-male of the Erskines. In 1824 John Francis Erskine, son of James and Lady Frances, was restored to the earldom by George IV., and may be designated 7th Earl of Mar under the [assumed] new creation by Queen Mary in 1565. His grandson, 9th Earl of Mar under the same creation, claimed the earldom of Kellie as collateral heir-male of Methven Erskine, 10th Earl of Kellie, and judgment was pronounced in his favour in 1834. He was succeeded as 12th Earl of Kellie and 15th Lord Erskine by his cousin, Walter Coningsby Erskine, 13th Earl of Kellie, who claimed the earldom of Mar under the creation of 1565, but died in 1872 before judgment on his claim could be pronounced by the House of Lords. This claim was renewed by his son who, in virtue of judgment pronounced in 1875, became 11th Earl of Mar. He was father of the present Earl of Mar and Kellie.

So much for one of the existing Earls of Mar. How comes it that there is another? When the Committee

¹ The territorial earldom was lost, and is now principally contained in the estates of the Duke of Fife.

of Privileges decided that Queen Mary's charter of 1565 conveyed to Lord Erskine the lands of the ancient earldom [*comitatus*], it held at the same time that it did not restore to him the dignity of an earl, and that this must have been done by a separate act of Queen Mary, which, not being extant now, may be presumed to have contained a limitation to heirs-male, the original earldom having been to heirs-general. The grandson of the 8th Earl of Mar under the creation of 1565 had assumed the ancient earldom. He was the son of Frances Jemima, daughter of the 8th earl, by her husband William James Goodeve, and asserted that when his first cousin, 9th Earl of Mar and 11th Earl of Kellie, was succeeded in 1866 by *his* first cousin, Walter Coningsby Erskine, as 12th Earl of Kellie, the earldom of Mar reverted to him as heir-general. A Committee of the House of Lords was appointed to consider a bill restoring the ancient earldom of Mar to John Francis Erskine Goodeve-Erskine. After a hearing which lasted five days, the committee passed the preamble of the bill, Lord Redesdale alone dissenting. The bill passed through Parliament and restored the Earl of Mar as successor to Isabel, Countess of Mar; whereby Queen Victoria did, as it was supposed until 1875 Queen Mary had done, namely, restored the heir of the house of Mar to one of the oldest dignities in Europe.

CHAPTER IV

PAGE	PAGE
99 xii. James, 2nd Earl of Douglas and Mar, c. 1358-1388.	105 Raids Cockermonth, 1386.
100 Arrival of French knights in Edinburgh, April [?] 1384.	105 Fresh invasion of England, August 1388.
100 French expedition to Scotland, May 1385.	107 Douglas captures Percy's pennon, August 1388.
102 Richard II. invades Scotland, 1385.	108 Battle of Otterburn, 12th [?] August 1388.
104 Douglas leads the French into Cumberland, 1385.	110 Death of the Earl of Douglas, August 1388.

IT has been told in the last chapter how James, son of the 1st Earl of Douglas, married Princess Isabel, daughter of Robert II.¹ Born about 1358, he would be about six-and-twenty when he succeeded his father in 1384. About the year 1380 his father made over to him the lordship of Liddesdale, and he became known as Sir James Douglas of Liddesdale. One must run the risk of being tiresome in these details in order to maintain distinction between the several individuals in this family.

Any attempt to determine the exact sequence of the events of 1384 is well-nigh hopeless; but for the purpose of the present narrative it is enough to state that about the time of the Duke of Lancaster's retreat from Edinburgh in April and Earl William's death in May, duly accredited French envoys arrived in Edinburgh from London to invite the Scottish King and Council to join in a truce

¹ The Papal dispensation for this marriage applies to Princess Margaret, evidently a curious clerical error, for Princess Margaret had been married to the Lord of the Isles since about 1350. This suggests a nice question as to the legitimacy of offspring of a marriage contracted under a dispensation specifying the wrong person. In this instance there was only one child of the marriage, who died an infant.

for eight months between France and England, which had been arranged so long before as 26th January. Nearly simultaneously another party of thirty French knights, under Sir Geoffrey de Charny, landed at Montrose on a far different mission. They came frankly in search of chivalrous adventure, and, having ridden to Perth, sent two of their number to sound the chevaliers of King Robert's Court, to whom they offered their services against the English. The Earl of Douglas and Lord Lindsay received them in a corresponding spirit, and forthwith mustered their forces. Followed a raid into England, with burning and spoiling on the lands of the Earls of Northumberland and Nottingham and Lord Mowbray, of a kind which greatly edified the gentlemen of France. While this sport was going forward the official French envoys were solemnly sitting in Edinburgh negotiating the terms of truce. King Robert, both from policy and personal inclination, heartily desiring peace, disapproved of the action of his young bloods, though he was not strong enough to interfere with their proceedings; but he sent Lyon Herald to London to explain the circumstances. His representations were accepted, and on 7th July the Scottish commissioners in Edinburgh agreed to the triple truce, which was to endure till 1st October following, and was afterwards extended until May 1385.

The French knights-errant returned to France, charged by Douglas and Moray to let it be known there what a fine field of adventure lay open in Scotland to chevaliers of enterprise. De Charny assured his hosts that they would return as soon as possible with a thousand lances, "for it was not a thing to be forgotten."¹ Accordingly, no sooner had the truce expired next year than Sir John de Vienne, Admiral of France, landed in Leith with 2000 men, 1000 complete suits of armour,² and 50,000 gold francs, all in accord with the treaty of 1383. Of the hard cash, one-fifth was paid to

Arrival of
French
knights in
Edinburgh,
April [?] 1384.

French
expedition to
Scotland,
May 1385.

¹ Froissart, ii. c. 50.

² The number actually delivered is stated variously between 1400 and 200.

King Robert and the rest was divided among the Scottish earls and barons.¹ Douglas and Moray exerted themselves for the entertainment of the foreigners, finding lodging in Dunbar, Dalkeith, and Kelso for those who could not be accommodated in Edinburgh, where there were not in the whole town 4000 houses.² But, alas! the same east wind which had made their voyage so prosperous gave a very unfavourable aspect to Edinburgh and its environs, as it is wont to do in spring, even in this our day. The French knights cursed de Charny for deluding them into such a god-forsaken country. "In Scotland you shall never find a man of worth: they are like savages, who wish not to be acquainted with anybody, and are too envious of the good fortune of others, and suspicious of losing anything themselves, for the country is miserably poor. However," adds the French chronicler, "the Earls of Douglas and Moray paid the gentlemen of France more attention than all the rest of Scotland."³ The fact is, that, except these two earls and a few hot young spirits, nobody in Scotland wanted an English war at this time. King Robert was absent in the Highlands, purposely keeping out of the way; the barons and gentry wanted to attend to their private affairs, and held coldly aloof from the excitable foreigners,—“What devil has brought them here?—they will very soon eat up all we have in the country.” The farmers and peasants were more vigorously unfriendly, not only resisting by force the depredations of the French foragers, but selling them bad horses at fancy prices.

At last King Robert, “with bleared eyes as red as sendal,” returned to his capital, and, perceiving that Douglas, Moray, and Fife had made up their minds for business, and were too deeply committed to their French friends to consent to disappoint them, gave a reluctant assent to the assembly of an army of invasion, which marched for the south shortly after Midsummer. Parliament decreed [1st July 1385] that every man in that army, whether French

¹ *Fœdera*, vii. 484.

² Froissart, ii. 160. Some texts give only 400.

³ *Ibid.*

or Scottish, should wear the cross of St. Andrew in white both on back and breast. The King's presence did not much mend matters in the view of the French adventurers. Scotland had been steadily feudalised since the reign of David I., but Scottish feudalism had ever been of a milder type than its counterpart on the continent and even in England. The rights of the commonalty may have been—often were—rudely trampled upon by individual barons, but the constitution recognised and respected them as they were recognised and respected in no other country.¹ Consequently Sir John de Vienne and his knights waxed very indignant when they were called upon to submit to regulations imposed by the Estates for the conduct of the army and its foreign contingent.² Pay for all they—the flower of French chivalry—chose to requisition from mere burghers and boors! Was there ever such preposterous red tape?

Matters neared a climax when the expedition approached Roxburgh Castle. Here was a fair nut for the French knights to crack, and de Vienne began boasting how he intended it as a gift for the King of France.³ Upon hearing this, Douglas put down his foot, explaining to his allies that they were serving in the army of the King of Scots, and not as freebooters.⁴ So Roxburgh was left alone, and successful assaults were made instead upon Ford, Cornhill, and Wark, the brunt of the fighting being accorded to the French. Meanwhile Richard II. was approaching with an army suitable for an opponent of the dignity of the Admiral of France, far superior in strength to the Scottish levies, and in equipment also, notwithstanding the thousand suits of mail sent from France, with which “those who had them were much delighted.” King Richard was but a youth of nineteen, but he had as lieutenant his redoubtable uncle, John of

Richard II.
invades Scot-
land, 1385.

¹ Compare, previous to the sixteenth century, the mildness of the Scottish criminal code, especially the forest laws, with the ferocity of certain English and French statutes.

² *Acts of Parl. Scot.*, i. 190.

³ Fordun, ii. 401.

⁴ Sir R. Maitland's MS., quoted by Fraser, i. 300.

Gaunt. In accordance with the traditional Scottish strategy, orders were issued for retreat, the land to be wasted before the English. Unhappily, the Scots barons were not all true to their colours. To follow the political vagaries of the Earls of March during these wars is to enter a bewildering labyrinth with a broken clue. On this occasion George of March had gone over to the English interest—a most important defection, seeing that he held the passes of Cockburnspath on the direct road to the Scottish capital. He had received supplies from the King of England, who, on 11th June 1385, gave a safe-conduct to one John Crystalle, a Scots mariner, to take his ship to English ports, there to buy provisions “for the King’s dear and beloved George, son of his dear cousin the Earl of Dunbar and his garrison of Colbranspathe.”¹

The Fabian strategy of the Scottish leaders was neither understood nor relished by the French chevaliers. They protested that they had come to fight, not to run away.

“By God!” swore Sir John de Vienne, “I will have a battle!”

“So you shall,” said Douglas, “if you are of the same mind after you have reconnoitred the enemy.”

Douglas then took de Vienne and his staff to the top of a hill overlooking a defile through which the English were marching.² The admiral was at last convinced that it would be insane to attack such a powerful force with the

¹ Bain, iv. 76.

² It is vain to arrive at the true scale of armaments at this time through the statements of monkish chroniclers, to whom a cipher more or less was a matter of small account. Walsingham puts King Richard’s army at 7000 men-at-arms, 60,000 archers, and 100,000 horse! Perhaps these figures may be divided by five, or even ten. It is on record [Bain, iv. 77] that the contingent furnished to King Richard’s army on this occasion by the Percys, Sir John Nevill, Sir Thomas Swinburne, and Sir Richard Tempest consisted of 520 men-at-arms and 1260 archers. The condition prescribed was that two-thirds of this force were to be *strangers to the Marches*, showing that the Borderers, being sensible fellows, had become convinced by this time of the uselessness of destroying each other’s property, and were anxious to attend to their proper industry.

troops at their disposal; but he demanded to be led into England upon a counter-invasion.

This was mightily to Douglas's taste. King Robert, rather a wet blanket on the operations, retired once more to the Highlands, leaving the Earl of Douglas, Douglas leads the French into Cumberland, 1385. Archibald the Grim, and the Frenchmen to make a destructive raid over the West Marches upon Cumberland. Here at last the foreigners enjoyed great sport, finishing up before Carlisle, under the walls of which "many handsome feats of arms were performed."¹ For a time they were in high good-humour, vowing that they had burnt more in the bishoprics of Carlisle and Durham than the whole of Scotland was worth.² But when they got back to Edinburgh they had great reason to be dissatisfied. The King of England had been there, and his operations had greatly tightened the markets; the obligation to pay for everything they wanted seemed more than ever unreasonable to the chevaliers. The Scots were unmannerly enough to declare that their French allies wrought more mischief in the land than the English, because the French rode through their standing crops in preference to the high roads. It is easy to imagine that the going was better, but the damage had to be paid for. Unseemly wrangles ensued; Douglas and Moray found themselves unpleasantly situated between farmers clamouring for compensation and de Vienne's knights indignantly refusing it as a thing unheard of. Finally the admiral had to give way, for he depended on Scottish mariners for transport to his own country; the claimants were paid, or were promised payment in full, and the French knights sailed away cursing the beggarly Scots and the hour that ever they set foot in their miserable country.³

¹ Froissart, ii. c. 172.

² Bain, iv. 78.

³ Probably Froissart is a little biassed in his account of these transactions. The chief objection to allowing the French knights to depart was that the payment under treaty had not been made. This was done on 16th November 1385, as shown by the receipt. Douglas received the lion's share of the 50,000 gold francs, namely, 7500; Moray getting only 1000 (*Fœdera*, vii. 484), but perhaps Douglas put more men in the field than anybody else. Archibald the Grim [xiii.] received 5000.

In 1386 the happy thought occurred to the Earl of Douglas that the fine lands round Cockermouth had never been raided since the days of his grand-uncle, the good Sir James. The opportunity was tempting, for Nevill had just been deprived of the wardenship of the East March in favour of Percy, and the warden of the West March was engaged in trying to keep the peace between these rival lords. Therefore Douglas, accompanied by the King's second son, the Earl of Fife, and a sufficient force, rode across the Esk and so to Cockermouth, where "there was not one among the Scots so feeble but that, unless he were unwilling, he was able to fill his hands with good booty."

For nearly two years after this exploit there was comparative peace on the Borders, and the Earl of Douglas occupied himself in the management of his estates, as appears from sundry charters given under his hand.¹ But King Richard, though starved out of Scotland in his expedition of 1385, had left some grievous sores behind him, having burnt once more the abbeys of Melrose, Dryburgh, and Newbattle. Ill-blood still boiled between the Nevills and the Percys; King Richard's hands were full of his domestic quarrels: clearly it was a grand opportunity for a stroke. Blear-eyed King Robert was

hopelessly pacific; the chief earls and barons met

A fresh invasion of England, August 1388.

at Aberdeen and, without consulting him, arranged a great muster at Jedburgh in the beginning of

August 1388. Hither came the Earl of Fife,

for although his father, King Robert, "would rather remain at home than march to the field, he had nine sons who loved arms."² The Earls of March and Moray also brought their vassals and levies, Archibald the Grim too, Sir John de Montgomery, "with his son Sir John and his two sons," Sir John Maxwell of Carlaverock, with Lindsays, Drummonds, Swintons, and a great part of the chivalry of Scotland. The army, according to Froissart, whose arithmetic, however, is not always unimpeachable, numbered

¹ Fraser, i. 305, 306, iii. 71-73.

² Froissart, ii. c. 169.

1200 spears and 40,000 of other arms. Spies, as usual, carried information of the gathering to Warden Percy, but a young English gentleman who undertook that business came near to a violent end. Tying his horse to a tree, he entered the church of Yetholm where a council of war was being held, and, having heard enough for his purpose, slipped quietly back to get his horse. Of course the horse was not there, "for a Scotsman (they are all thieves) had stolen him."¹ He set off on foot booted and spurred, but his appearance was against him; he was stopped at the outposts and brought before the Earl of Douglas. Under examination he acknowledged that Percy knew all about the impending invasion, and was prepared to make a counter-raid in such direction as the movement of the Scots should leave open to him. Hearing this, the Scottish leaders decided to divide their forces. A flying column was detached under the Earl of Douglas to harry Northumberland, while the main body should march to Carlisle under the Earl of Fife.

" Et fell about the Lammastide,
 When the muir men win their hay,
 The doughty Douglas bonn' him ride
 Into England to drive a prey.

He chose the Gordons and the Grames,
 With them the Lindsays light and gay,
 But the Jardines would not with him ride,
 And they rue it to this day."²

It was like old times, for at the head of the flying column, which consisted of 300 or 400 spears and 2000 bowmen and others, rode together as of yore the Douglas and the Moray. They passed through the Reedswire, under Ottercop and Rothley Crag, and pushed as far as Brancepeth, close to the Yorkshire border. Thence they

¹ Froissart, iii. 124.

² The allusion in the last couplet is obscure, and is probably a late interpolation made after the Jardines had risen into greater note than was theirs in the fourteenth century, when they were but respectable vassals of Annandale.

swept round to display their colours on the rising ground close to the walls of Newcastle. Here was a strong force under "Hotspur" Percy and his brother Sir Ralph, the old Earl of Northumberland lying in wait in Alnwick to flank the Scots on their homeward march. In accord with the quixotic spirit of chivalrous war, an attempt was made at escalade, which was easily repulsed; and the garrison might have defied the utmost efforts of such a weak column by simply remaining within their defences. But

Douglas captures Percy's pennon, August 1388.

where had been the glory of knighthood that shrank from adventure in arms? During two or three days there were incessant skirmishes between detachments and single combats *à outrance* between chevaliers. Douglas challenged Hotspur and fought him hand to hand; loudly cheered the Scots when the famous English knight went down. Douglas snatched his pennon, which he bore out of the lists.

"I will carry it to Scotland," he cried, "and hoist it on my tower,¹ where it may be seen afar."

"By God!" retorted Hotspur, "you shall never leave Northumberland alive with that."

"Then you must come and take it this night," answered Douglas. "Your pennon shall stand before my tent, for him to take who dares."

This challenge was not accepted: the night passed quietly; the Scots broke up on the morrow and marched to the tower of Portland, about five miles from Newcastle, which they took and burned. On the third day they invested the tower of Otterburn in Redesdale, about thirty miles from Newcastle, Douglas being in no hurry to go home so long as there was a chance of a *mellay* with Hotspur Percy. He knew his man too well to believe that he could resist the temptation to recover the lost pennon.

Douglas chose his camp, with an eye to attack from archery, in a wood, preferring it to a far stronger position

¹ Froissart says "the tower of my castle at Dalkeith," thinking that it still belonged to the Earl of Douglas; but, as we know, Dalkeith was the heritage of the Lothian branch of Douglas (see p. 87, *ante*).

near at hand, the old Roman station of Bremenium, where the ground was bare. Hotspur was too good a soldier to risk his men unnecessarily. Aware of the presence in England of the other and stronger Scottish column under the Earl of Fife, he did not start in pursuit of Douglas until he received reports from reconnoitring parties. Having ascertained that the country towards Carlisle was clear of the enemy, he marched from Newcastle with 600 spears and 8000 foot, and drove in Douglas's picquets late in the evening.¹

The Scots were surprised supping, being fatigued after a long day's work against the tower of Otterburn. Luckily the camp was entrenched, and the English first attacked the servants' quarters, which lay outside the main enclosure and on lower ground, thus giving the Scots time to stand to arms. While Percy was busy overpowering resistance in what seemed to him in the dusk to be Douglas's camp, a body of Scots moved unperceived through the wood and fell upon the enemy's flank. A fierce conflict followed; the banners of Douglas and Percy met, not for the first time, nor yet the last; the men under each were of the breed that fought as long as shaft and blade held good; and were accustomed, as victors, "to ransom their prisoners instantly,

¹ There is much uncertainty about dates. Douglas is said to have lain four days at Otterburn waiting for the enemy. Froissart gives 15th August as the date of the battle; most English and Scottish writers give St. Oswald's Day, the 5th. White, in his *History of the Battle of Otterburn*, lays stress on the statement of Froissart and others that it was a moonlit night; new moon fell on the 6th in that month. Tradition has it that the battle was fought on a Wednesday, so Mr. White considers Wednesday, 19th, as the true date. But this, Sir William Fraser points out, does not accord with a certain transaction in the Scottish Council at Linlithgow on Tuesday, 18th, whereby the people of North Berwick were directed to obey the Earl of Fife, and the Constable of Tantallon Castle was ordered to render up that fortress to him in lieu of the late James, Earl of Douglas,* who had held it in tenantry of the Earl of Fife. If the date of the Council is correctly given, Fraser considered Wednesday, 12th August, as the true date of the battle, which agrees with the state of moon indicated by Froissart, bright in the earlier, dark in the later part of the short night. Froissart seems the best authority on the details of this battle, for he got all particulars from two French knights who fought on the English side.

* *Acts of Parl. Scot.*, i. 191.

and in such courteous manner to the vanquished that these return them thanks before taking their departure.”¹ The English were as three to one, and Percy came near wiping out the affront put on his arms by taking the banner of Douglas, which was only saved by the devoted gallantry of Sir Patrick Hepburn and his son.

The Scots were giving way under pressure of numbers when Douglas thrust forward where the conflict was fiercest, and hewed his way into the midst of the English ranks. But his armour had been hastily put on, it was not rightly braced; in the dim light he could deliver, but not parry blows; suddenly he went down with three spears in shoulder, belly, and thigh, and as he fell a battle-axe gashed his skull.

Still the combat went on in the light of the summer moon; “Percy! Percy!” echoed across the dusky moor, and “Douglas! Douglas!” rang through the woods, with clash of steel and hard breathing of men. Sir Ralph Percy, emulating the prowess of Douglas, pressed too far forward, was surrounded, and fell grievously wounded before Sir John Maxwell of Pollok, who fought in Moray’s wing. Maxwell gave him over to Moray, who exclaimed: “Well hast thou won thy spurs this night, Maxwell!” To follow the fortunes of the various chevaliers through this fight one must turn to the glowing page of Froissart, where are full details of what the chronicler declared to be the best fought and most severe of all the many battles it had been his delight to describe. It ended in a complete victory for the Scots; the strength of the English failed them, being overtaxed with a forced march, and they were driven far beyond the place where Douglas had fallen. Both the Percys were prisoners;² Sir Matthew Redman, Governor of Berwick, was

¹ Froissart, iii. c. 126.

² Hotspur was taken by John, Lord Montgomery, according to some authorities; by Sir Hew Montgomery, according to others, and was held to ransom for £3000, towards which the King and Council of England contributed £1000 (*Issue Rolls*, Easter 1389, and Michaelmas 1390). Walsingham assigns the capture of Hotspur to the Earl of March, who, he says, came up during the combat, but he probably confounded him with the Earl of Moray.

run down in a long chase and taken by Sir James Lindsay. The Bishop of Durham, hurrying up with reinforcements from Newcastle, met the stream of fugitives, and among them was lucky enough to secure the person of Lindsay himself. Froissart puts the English loss at nearly 3000 killed, wounded, and prisoners, while the Scots counted only some 300 casualties of all kinds.

The business of this narrative lies only with what concerns Douglas: copious and touching are the versions of his last hour. Out upon the sceptic hand that should wipe them from the record!—Woe to the inquisitive eye that shall pry too closely! Yet does Wyntoun declare that the fate of Douglas was unknown in the Scottish army till his body was found among the slain next morning.

Probably he died at once, so terrible were the wounds he had received; but the veil of night concealed from both sides the loss that had befallen the Scots, which, had it been bruited, might well have turned the fortune of the fray. It is true that Froissart reports long speeches made by the expiring hero; it is true that among all our Scottish ballads there is none more tender than that in which these dying words are embalmed; but poets (and Froissart was poet as well as chronicler) will never suffer heroes to die mute like foxes. Nor can we ever afford to part with these beautiful lines, albeit they may enshrine nothing more solid than a myth. Where would the human story rank without its myths?—

Death of the
Earl of
Douglas.

“ ‘ My nephew good,’ the Douglas said,
‘ What recks the death of ane?—
Last night I dreamed a dreary dream,
And I ken the day’s thine ain.

Last night I dreamed a dreary dream,
Beyond the Isle of Sky
I saw a dead man win a field,
And I wot that man was I.

My wound is deep, I fain would sleep;
Take thou the vanguard of the three,
And bury me by the bracken bush
That grows on yonder lily lea.

Oh, bury me by the bracken bush
 Beside the blooming brier,
 And never let living mortal ken
 That e'er a kindly Scot lies here.'

He lifted up that noble lord
 Wi' the saut tear in his ee ;
 He hid him in the bracken bush,
 That his merrie men might not see.

The moon was clear, the day drew near,
 The spears in flinders flew,
 But mony a gallant Englishman
 Ere day the Scotsmen slew."

Some may trace in these lines the touch of a vanished hand — of a hand later in time than the original bard, and in truth they are associated with the last scenes in a life as deeply endeared to his countrymen as any Douglas of them all. When, broken in fortune and shattered in health, Sir Walter Scott travelled with Lockhart to visit Douglas Castle, the scene of his last romance, *Castle Dangerous*, we are told that he stood silent, viewing the green vale and rolling moors, gleamless under a thunderous summer sky, peopled for him with thick-coming memories. Silent for a space, while the tears gathered under his aged lids; then, striking his stick in the sod, he repeated in broken accents the verses quoted above. Coldly critical must he be who blushes to believe what Scott held so dear. It will be a dismal day for Britain when her boys shall be reared without implicit faith in the ballad of *Otterburn*, and its English counterpart, *Chevy Chase*.

Earl James's widow, Princess Isabel, richly dowered with one terce of her lord's wide lands in the sheriffdom of Selkirk,¹ besides revenue from his other possessions, soon found another mate in the person of Sir John de Edmonstone.² She died about 1410.³ The only son she had by Douglas died in infancy; but Douglas left two illegitimate sons, William, progenitor of the family of Douglas of

¹ *Liber de Calchou*, ii. 408.

² Ancestor of the Edmonstones of Duntreath.

³ *Exchequer Rolls*, iv. 120.

Drumlanrig, Duke of Queensberry; and Archibald, ancestor of Douglas of Cavers. Earl James also left an illegitimate daughter, Eleanor, who married Sir William Fraser of Philorth, ancestor of the present Lord Saltoun. Isabel, Countess of Mar, behaved handsomely to her husband's bastards, for upon Archibald she bestowed the lands of Cavers. Robert III. gave them in 1405 to Sir David Fleming of Biggar, by reason that Countess Isabel had alienated them without his consent;¹ but in 1412 James I., a prisoner in England, confirmed Isabel's charter to Archibald, whose descendants own the lands to this day.² Upon Eleanor, Countess Isabel bestowed Tibbertie and Utlaw in Banffshire.

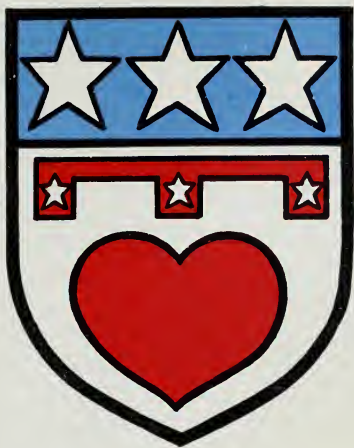
Earl James cannot have been more than thirty when he fell. He was buried in Melrose, but his tomb and the banner in defence of which he died, which the mourners hung over the tomb, have both disappeared.³

It is not possible to dismiss the record of this most gallant earl without a sigh for the life so full of promise, cut short in the flower of age and in so bootless a quarrel; but in truth it was not by earls and knights that the full misery of this picturesque warfare was endured. The fray of Otterburn was bloody and fierce enough, God wot! but not more bloody and fierce than a hundred others waged between men of common speech and kin, whereof the memories have clean passed away. What was there to

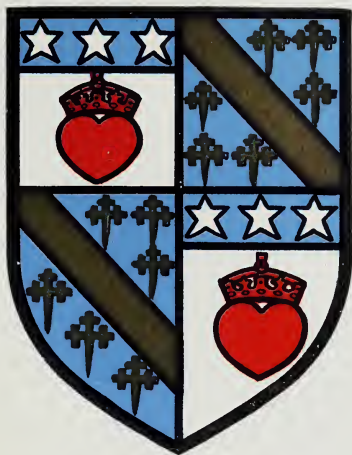
¹ Original charter at Cavers, reported by Sir William Fraser, i. 320.

² Copy charter at Cavers, reported by Sir William Fraser, i. 320.

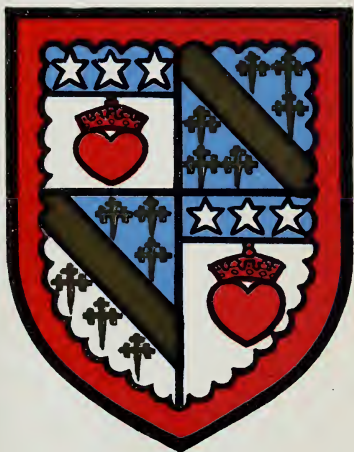
³ The following memorandum by the Bishop of Dromore is preserved among the Duke of Northumberland's MSS. at Syon House: "The family of Douglas of Cavers, hereditary sheriffs of Teviotdale, have long had in their possession an old standard, which they believe to be the very pennon won from Hotspur by the Earl of Douglas, to whom their ancestor was standard-bearer in the expedition. On September 7, 1774, I was at Cavers and was shown the old standard." But Bishop Percy considered this relic to be no more than a Douglas standard, as it bore the arms of Douglas and their motto, *Jamais arrièrè*. A white lion, which it was suggested was the arms of Percy, was more probably that of the lordship of Galloway, pointing to a later date than 1388, or to a different Douglas. The lion of the Percys has always been azure. Another reputed relic of Otterburn preserved at Cavers is an embroidered glove with the initials *F.P.*, said to be spoil from the Percy.



John Douglas of Bonjedward, 1450.



William Douglas of Drumlanrig, 1412.



Archibald Douglas of Cavers, 1412.



*William Douglas of Whittinghame,
1567.*

raise Otterburn to immortality? what but the fate of the two leaders—the death of Douglas and capture of Percy? Of which fact, unless one grasp the significance, he shall never discern through the glamour of romance—splendour of heraldry, dauntless feats of arms, chivalrous daring, and all the rest of it—the real cruelty of the business. Before gunpowder had affected the whole system of tactics, the farmers and peasants who followed their lords to the field counted as no more than material of war. The object was to kill as many of them as possible, prisoners being both costly and troublesome to keep.

Far different the barons, knights, and esquires: they rode into action with charmed lives; it was only in exceptional disasters, like Bannockburn on the one side and Flodden on the other, that any large number were slain. Every precaution was observed to take these gentlemen of coat-armour alive for the sake of their ransom. A baron's farms might be burned and the live stock driven off; his ruined tenants might afford him no rent; let him but have the luck to capture some well-to-do opponent and the balance would be handsomely in his favour. So the warfare of feudal lords was the finest of gambling, with all the excitement of high play *plus* military glory. Gunpowder, which that experienced chevalier, Gautier de Cariel, considered such a devilish invention that he counselled his comrades, "as often as it should be thrown, to prostrate themselves on their elbows and knees, and beseech the Lord Jesus to deliver them from that evil, from which He alone could protect them,"—gunpowder, I say, which at first promised to intensify the horrors of war, was really a merciful invention; it not only rendered battles less bloody, but it cured barons of their passion for them, inasmuch as a bullet is as likely to find its billet in the carcase of a noble as in that of a churl.

CHAPTER V

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ON the death of the 2nd Earl of Douglas the estates reverted under entail to Sir Archibald "the Grim,"¹ Lord of Galloway, of whom mention has been made already in these pages. He was the natural son of the Good Sir James [viii.] by an unknown mother. Godscroft, reversing the process whereby Barbour, for greater symmetry of narrative, rolled three separate Robert Bruces, Lords of Annandale, into one Robert de Brus, has divided this Archibald into three separate individuals. But that

¹ "He was callit Archibald Grym be the Englisemen, becaus of his terrible countenance in weirfair."—Sir Richard Maitland's MS., quoted by Fraser, i. 321.

he was the son of Sir James is proved by a charter which he executed conveying lands to the monastery of Holywood for the good of his father's soul.¹

It is contrary to modern practice that a bastard — a "love-bairn," as the Scots charitably term it — not only should succeed to the possessions of his kinsman, to the prejudice of heirs of the legitimate line, but also to the earldom. Yet this is precisely what Archibald did, his name having been inserted in the entail upon the resignation of the "Dull Douglas" [ix.] in 1342. His succession was disputed by Sir Malcolm Drummond, husband of Sir James's sister Isabel, but Drummond's claim was set aside by Parliament in Holyrood [April 1389]. Archibald was duly infeft in the entailed lands, and shortly afterwards appears as Earl of Douglas.



Fig. 13.—Seal of Sir Archibald of Douglas (The Grim) 1373.

Archibald must have been a mere child when his father died in 1330. "He was dark and ugly," says Bower; "more like a coco [cook-boy] than a noble." His first appearance in history seemed to bode another "Tineman," for he was taken prisoner on the fatal field of Poitiers [1356]. Known then as "Blac Archibalde," and little regarded by his comrades because of his bastardy,² he nevertheless wore a very fine suit of armour, and his captors imagined they had got a valuable prize. Sir William Ramsay of Colluthie, also a prisoner, ingeniously devised Archibald's escape. He pretended to be furious with him, and in presence of the guard cried—

"You treacherous hound, how dared you to steal my cousin's armour. Cursed be the hour of your birth! for he sought you all day, and for want of his armour was slain

¹ Fraser, i. 321; *Registrum Magni Sigilli*, i. 106.

² Pluscarden, i. 300.

by an arrow in camp, as I myself saw. Come!—pull off my boots.”

Archibald played his part; he knelt trembling and pulled off one boot, with which Sir William beat him cruelly about the mouth. The guard interfered between the prisoners, and told Ramsay that the lad was the son of a great noble, and one to be respected.

“Not he!” exclaimed Ramsay,—“I tell you he is a scullion and a rogue.” Then turning to Archibald, said: “Go, you rascal, and seek your master’s body among the slain, so that we may at least give it honourable burial.”

Then he paid forty shillings in ransom for the worthless cook-boy, and, cuffing him again, bade him begone.

Archibald got safe back to Scotland, cheating the Black Prince’s men of what would have been, had they known him, a very heavy ransom,¹ for he had just been knighted.² He was possibly some five-and-thirty years of

Appointed
Constable of
Edinburgh
Castle,
c. 1361.

age when, about 1361, he was appointed Constable of Edinburgh Castle, at a salary of 200 marks,³ an office which he held, with that of Sheriff of Edinburgh, till about 1364.⁴ In the autumn

of that year he appears as Warden of the West Marches, Annandale at that time being in the hands of the English. During the disaffection of his chief, William, Earl of Douglas [xi.], Sir Archibald was exemplary in regular attendance in Parliament, and took part in various important public transactions previous to the year 1369, when he was employed on an embassy to France, connected, it would appear, with the appeal which Queen Margaret [*née* Drummond of Logie], whom David II. had just divorced, had lodged with Pope Urban V. at Avignon.⁵ In March 1371, two days after the coronation of Robert II., Sir Archibald

¹ Fordun, ii. 358; Pluscarden, i. 300.

² At least, he is described [16th Nov. 1357] as “Archibald Douglas, chivaler.”—*Rotuli Scotiæ*, i. 817.

³ *Ibid.*, i. 957.

⁴ *Charters of St. Giles*, pp. 11, 15, 19; *Cartulary of Inchaffray*, p. xlvi.; *Exchequer Rolls*, ii. 92, 166, 176.

⁵ *Exchequer Rolls*, ii. 356.

was despatched on a special embassy to Paris, empowered "to swear on the King's soul the renewal of the ancient alliance between Scotland and France."¹ Previous to that, on 18th September 1369, King David had appointed him to rule the turbulent and still disaffected region of

Galloway,² and gave him a charter of all the lands between the Nith and the Cree,³ "because," observes Sir Richard Maitland, "he tuke grit trawell to purge the cuntrey of Englis blude."⁴

Now Galloway, though nominally part of the kingdom of Scotland since the reign of Alexander III., had never submitted kindly to the rule of the Bruce, but still cherished the memory of John Baliol with all the romantic devotion due to a "king over the water"; for was not his mother, Devorguille, daughter of Alan, last of the native lords of Galloway? Still, and for long afterwards, the people of Galloway spoke their Pictish or Gaelic vernacular, still enjoyed their ancient code of laws and obeyed their peculiar customs, still looked upon the people of Strathclyde as their natural enemies.⁵ Their chiefs, too, had given willing service to



Fig. 14.—Seal of the Earl of Douglas and Lord of Galloway (1389-1400).

¹ *Acts of the Parl. of Scot.*, i. 195. *Exchequer Rolls*, ii. 363.

² Galloway comprises the *Shire* of Wigtown and the *Stewartry* of Kirkcudbright, the latter term originating in the steward appointed by Sir Archibald to collect his revenues and administer justice, while Wigtownshire remained under the King's sheriff. Local usage continues unaltered to this day in the application of these terms.

³ *Reg. Magni Sigilli*, i. 69.

⁴ Maitland MS., quoted by Fraser, i. 328.

⁵ A trial which took place about 1259 in Dumfries Castle illustrates the relations between the people of Galloway and their neighbours. One Sunday morning Richard, the son of Elsa [Elizabeth], had slain Adam Molendinarius [the miller] at the door of St. Michael's church. Richard did not deny the deed, but pled that Adam had offered intolerable provocation by calling him

Edward Baliol, but, as shown above, the 1st Earl of Douglas [xi.] had restored the authority of King David in 1353. Archibald the Grim now came to confirm his kinsman's work in eastern Galloway. Three years later, in 1372 to wit, by a remarkable transaction, Galloway became united under one lord, as it had not been since the death of Alan in 1234. Thomas Fleming, Earl of Wigtown, had got into hopeless trouble with the Celtic landowners within his jurisdiction, and sold to Sir Archibald not only his lands and superiority of Wigtownshire, but the earldom also—*pro unâ certâ et notabili summâ pecuniæ*—the sale being confirmed by Robert II., 7th October 1372, in a charter referring to Fleming as “formerly Earl of Wigtown.”¹

Purchases
the earldom
of Wigtown,
8th February
1372.

In acknowledgment of these temporal blessings Archibald built a hospital at Devorguille's Abbey of Holywood, near Dumfries, and endowed it with the lands of Crossmichael and Troqueer in the Stewartry,² for the weal of the souls of King Robert the Bruce, Edward Bruce his brother, David II., and the Good Sir James of Douglas.

Before following the public acts of the Lord of Galloway, mention must be made of a circumstance which had vastly increased the power of this scion of the Douglas. The death of Sir Thomas Moray, Lord of Bothwell, is variously placed in 1361 and 1366. At all events he died in England, when a hostage for David II., leaving as his sole heiress Joanna, whom Archibald married, it is said, after offering to meet five English knights in single combat for her hand. He also obtained [31st March 1371] a renunciation by the King of

Marries
Joanna
Moray,
heiress of
Bothwell.

“Galuvet” [a man of Galloway], which everybody understood as a synonym for thief. Verdict for the defendant, the barons and burgess jurors being unanimous that “Richard is faithful, but Adam was a thief and a defamer.”—Bain, i. 427.

¹ *Reg. Magni Sigilli*, i. 114.

² The last ruins of the Abbey of Holywood [*abbacia Sancti Nemoris*] disappeared in 1779, when the choir, which had served as parish church since the Reformation, was pulled down and supplied material for a new and hideous edifice. Two of the old bells are still in use.



Taneve Cofie
1840 D. 1840

all claim to Joanna's heritable estates in the event of her dying without issue. If, therefore, there be any foundation for the surmise that the Douglas and the Moray descended from a common ancestor, here were the two lines united again, and the "Moray's silver star" shining on the same shield with the stars of Douglas. The lords of Bothwell were hereditary *panitarii* or cup-bearers to the Scottish Kings. That Douglas acquired this office with his wife is suggested by the



Fig. 15.—Seal of the Earl of Douglas and Lord of Galloway (1389-1400).

arrangement of cups, stars, and a heart carved on his daughter-in-law's tomb at Lincluden.

In territorial possessions,¹ and in consequent military and political influence, the "dark and ugly little coco" of Poitiers had become scarcely, if at all, inferior to the Earl of Douglas himself. A massive memorial of his rule over

Galloway remains in the Castle of the Thrieve, whereof the huge square keep, built on an island in the Dee, looms dark and grim, like its founder, far seen across that pleasant vale. While Thrieve was being built he seems to have held his chief residence, not at Buittle, the seat of the Baliols, lords of Galloway, but at the seat of Fergus and the lords of the old Celtic line, namely, at Loch Fergus, close to Kirkcudbright.²

Builds the
Castle of the
Thrieve.

¹ Besides the whole of Galloway and the lordship of Bothwell, Archibald had also obtained extensive properties and superiorities in Aberdeenshire, Kincardine, Forfar, and East Lothian.

² "Brent Isle" [*i.e.* Burnt Isle], whence Douglas, as Warden of the Marches, wrote to Edward III. in 1372 [Fraser, iv. 56], may be identified with an island stronghold on the Loch Fergus, said to have been the residence of Fergus, Lord of Galloway. It is sometimes called *Insula arsa* in early charters.

Archibald the Grim took little part in the frequent raids upon England by his brother, the 1st Earl of Douglas [xi.], and the other lords, though mention has been made already of the stout part he bore in Musgrave's affair at Melrose in 1378,¹ and in the expulsion of the English from Annandale in 1384.² Ready enough to "trawell to purge the cuntrey of Englis blude," he saw too much need for reform within his own jurisdiction to care for wasting time and lives in harrying the property of others. His duties as Lord of Galloway, Warden of the West Marches, and King's Justiciar in Dumfries kept him more usefully employed at home. The peculiar laws which had been observed in Galloway since Pictish times had received some modification under William the Lion;³ yet both he and his successors had remained under the obligation of appointing special judges to hold *assisam nostram de Galweia*. Galloway litigants still enjoyed the option of trial by combat or trial by jury, a system which, it may be imagined, put commercial folk at some disadvantage in dealing with sinewy customers. Consequently, in 1385 Archibald obtained from Parliament the suspension of some of these ancient statutes, claiming at the same time the maintenance of others.⁴

As Warden he applied himself to reducing to intelligible order the tangled web of Border law as it affected the custom of war, musters, warning by beacons, etc. Fifty years later his grandson, 8th Earl of Douglas, took sworn evidence from the oldest freeholders on the Border as to the rules established by "Blak Archibald of Douglas," and codified them for future observance.⁵

In 1385, when Robert II. reluctantly summoned the national forces to his standard, Sir Archibald⁶ took part in

¹ See p. 90, *ante*.

² See p. 92, *ante*.

³ *Acts of Parl. Scot.*, i. 56, 122.

⁴ The general law of Scotland was not applied to Galloway till 1426.

⁵ *Acts of Parl. Scot.*, ii. 63, 64.

⁶ Although Earl of Wigtown, Sir Archibald was generally known by his knightly title.

the invasion of England; and in 1388, while Earl James [xii.] marched to meet a soldier's death at Otterburn, he held a command in the Earl of Fife's column, which took the western route. While in the neighbourhood of Carlisle, his illegitimate son, Sir William of Nithsdale [xiv.], joined him with a small contingent which had made an unsuccessful attempt upon Ireland.¹ There was great merry-making in camp over the meeting, all to be hushed on the morrow by the news from Otterburn.

Archibald the Grim now became 3rd Earl of Douglas, and the most powerful subject in the realm. Robert II. was over seventy years of age, and so infirm that he surrendered his rule into the hands of the Estates. The heir-apparent, John, Earl of Carrick [afterwards Robert III.], being disabled by the kick of a horse, his younger brother, Robert, Earl of Fife, was appointed Guardian of Scotland. Fife was a devoted friend of Archibald the Grim—"he luifit this Erle sa weill that thai never syuerit [severed] cumpanye fra other during the tyme of his government."² They marched

Succeeds to the earldom of Douglas, 1388.

Invasades England with the Earl of Fife, 1389.

together into England in 1389 at the head of a large force, to beat up the quarters of King Richard's new Warden, the Earl Marshal, who was reported to have spoken contemptuously of the performance of the Percys at Otterburn. Fife and Douglas challenged the Marshal to meet either of them in single combat, but this he declined,³ as he did also their challenge to a general engagement, on the score that he was too weak in numbers; ⁴ whereupon the Scots turned merrily to pillage and returned home with what booty they could gather.

After this affair a truce was agreed on for three years, subsequently confirmed into a peace which endured till

¹ Wyntoun, ix. c. 8; Fordun, ii. 404.

² Maitland MS., quoted by Fraser, i. 342. Fife was also Douglas's stepfather-in-law, having married the Countess of Menteith, who, as wife of John Moray of Bothwell, had borne Joanna, whom Archibald married.

³ *Ibid.*

⁴ Walsingham.

1399; and, in the absence of other information, it may be assumed that Earl Archibald applied himself again to the duties of his office and the governance of his vast estates.

Douglas
stands um-
pire at a duel. One official appearance of his is worthy of passing note, as illustrating the fashion of the times. Thomas Struthers, an Englishman, having challenged William Inglis, a Scot, to combat *à outrance*, they met at Rulehaugh, in the barony of Bedrule, in the presence of the two Wardens, the Earls of Douglas and Northumberland, and fought till the Englishman was killed.¹

In 1398 the first Scottish dukes were created. Hitherto the title of earl had been the highest secular dignity under the monarch; but now Robert III. thought well to make his son David Duke of Rothesay, and his brother Robert Duke of Albany. The story is told, for what it may be worth, that the King proposed to confer a dukedom upon the Earl of Douglas also, but that he declined the honour, and when the herald addressed him as "Sir Duke," he retorted derisively, "Sir Drake!"²

Lawlessness
in Scotland,
1398. Kingly rule in those days was almost as much a matter of muscle and sinew as of brain and common sense; Robert the Bruce owed his throne as much to the personal prowess and active habits of himself and his lieutenants as to his legislative sagacity. Like Wellington at Waterloo, the monarch had to be present wherever the stress was sternest and the danger most imminent; even the journeys on horseback from point to point of the realm in the ordinary business of government called for the endurance of an athlete; and for such work Robert III. was always unfit, though not much over fifty when he succeeded. If not permanently crippled by his accident, he was at all events a confirmed invalid. The King's brother, Robert, Earl of Fife [now Duke of Albany], had acted as Governor or Guardian of the realm during part of his father's and most of his brother's reigns,

¹ *Pluscarden*, ii, 254; *Fordun*, ii, 420.

² *Pluscarden*, ii, 254.

and certainly had shown no want of energy. But it fares ill with all business save under the master's eye.

“In those days [1398] there was no law in Scotland, but the strong oppressed the weak, and the whole kingdom was one den of thieves. Murders, robberies, fire-raisings, and other crimes went unpunished, and justice seemed to have passed into exile from the land.”¹

Therefore in 1399 the heir-apparent, ill-starred Duke of Rothesay, being then just of age, was appointed Lieutenant or Regent of the realm, with his uncle, the Duke of Albany, better known hitherto as Earl of Fife, as his adviser.

Shortly afterwards Archibald the Grim played his part in a transaction reflecting sinister light upon the inner nature of chivalry. Early

in 1399 the Duke of Rothesay became betrothed to Elizabeth, daughter of Dunbar, Earl of March, for which honour March paid down a handsome sum in cash to the King.² Hearing of this, Douglas lodged a protest that the betrothal had not received the consent of the Estates, and, supported by the council, offered his own daughter Marjorie as a bride for Rothesay, together with a larger sum than March had already paid. The weary old King, pining for peace at any price, consented; the Duke of Rothesay lightly threw off his plighted troth to Elizabeth of Dunbar, and in February 1400 married Marjorie of Douglas in the collegiate church erected by her pious sire at Bothwell. A discreditable business on the face of it—fit prelude to the darkest hours of Scottish history. March, justly indignant, appeared before the King and claimed the fulfilment of his pledge or the return of the money. Unhappy King Robert! to do the first he stood too much in awe of Douglas, his most powerful subject; to do the second was beyond his power, for had not the money all been spent? He did what any invalid might have done in such a dilemma, he returned an evasive answer. Their allegiance ever lay lightly on the Earls of March; this one, George, promptly went to the English King's Court, prepared for vengeance

The Duke of
Rothesay's
marriage,
1400.

¹ *Reg. Episc. Moraviensis*, 382.

² *Pluscarden*, ii. 255.

upon his false countrymen. His castle of Dunbar was handed over to the keeping of Archibald [xvi.], son of the Grim Douglas.

The author of all this mischief lived not to witness the evils which it brought upon his country. Douglas was still alive, indeed, when Henry IV. invaded Scotland in August 1400, for he witnessed a charter at Renfrew on 5th October of that year;¹ but he must have died before 9th February following, when his widow Joanna made a grant to her son Archibald, 4th Earl of Douglas [xvi.]² This consists with the statement in Gray's manuscript³ to the effect that he died on Christmas Eve, 1400, at Thrieve Castle, and was buried at Bothwell.

Death of
Archibald
"the Grim,"
1400.

By his wife, Joanna Moray of Bothwell, he had—

- (1) Archibald [xvi.], who succeeded as 4th Earl.
- (2) James "the Gross" [xix.], who succeeded as 7th Earl.
- (3) Marjorie, who married, first, David, Duke of Rothesay; second, Sir Walter Haliburton, of the house of Dirleton, afterwards Treasurer of Scotland.

Archibald the Grim left an honourable record; one that—

"Deserves with characters of brass
A fortified residence against the tooth of time
And rasure of oblivion."

It was clouded only by his conduct in compelling the King to break his pledge to March. Even in that act there may have been circumstances, not apparent at this day, to palliate or even to justify his conduct. March's integrity may not have been proof against the attempts which, as early as 1393, King Richard had made upon it;⁴ and Douglas may have

¹ *Antiquities of Aberdeen and Banff*, i. 290, iii. 363.

² *The Swintons of that Ilk*, Appendix X. and XI.

³ Quoted by Sir W. Fraser, i. 347.

⁴ And upon Douglas's also. Richard sent in that year to treat with both earls as to service to be done by them, but the result of the negotiations is not known.

—*Fœdera*, vii. 754.

been guided by true patriotic policy in stopping the alliance of the royal house with a family of dubious loyalty. The whole tenour of Archibald the Grim's conduct was so lofty and statesmanlike that one would fain acquit him in this affair from the spirit of faction and self-interest which tarnished the shields of so many of his successors.

For the rest, "Blak Archibald" had nobly lived down the disability of his illicit birth. He had proved himself a knight puissant in combat before he became a successful commander in the field and a steadfast adviser in council. His enormous wealth enabled him to become a great benefactor to the Church, but a discreet one, inasmuch that while he bestowed with a free hand upon the collegiate church of Bothwell,¹ founded by himself, and upon the existing foundations of Sweetheart and Lincleden in Galloway, he insisted upon drastic reforms in both the convents last named. Of Sweetheart he is mentioned as *fundator et reformator* in a confirmation by Pope Benedict XIII. [1413-1424] of Archibald's charter of patronage in favour of the abbey.² Now he was not the original *fundator*; the real foundress was Devorguille, mother of John Baliol. The inference is that when Douglas took over the lordship of Galloway in 1369, Sweetheart Abbey was in a low state, the building dilapidated and the convent bankrupt, and that it owed its restoration to his munificent piety.

This earl's benefactions to the monastery of Holywood have been mentioned above; but close to that house, on the Galloway bank of the Nith, he set his hand to a task of some delicacy. There was a nunnery at the priory of Lincleden, whereof scandal had been busy with the fame. It is disputed whether the sisters have been justly accused of irregularity; at all events, Douglas suppressed the nunnery, built a beautiful collegiate church, rich to this day with heraldic ornament, and endowed it for a provost and twelve canons.

¹ The choir continued in use as the parish church till 1828.—Fraser, i. 350.

² *Book of Carlawerock*, ii. 426.

Archibald the Grim was deservedly esteemed by the clergy, and it is specially mentioned to his credit by one of them that, although he always travelled with a great suite, whenever he lay at a monastery he paid liberally for all that he received. The prior of St. Serfs, at all events, neither entertained misgivings about the character of Black Archibald in this world, nor hesitated about the meed which awaited him in the world to come—

“He wes a lord off gret bownte,
 Off stedfastness and clere lawte; ¹
 He wes off gud debotioune;
 Off justice he bare gret renown.
 Gut ² dout he endit graciously,
 And lpbis in joy perpetually.” ³

Besides his legitimate offspring, Archibald the Grim had a natural son, William, upon whom the slur of bastardy lay as lightly as it did upon his father, and he rose to much distinction. Of his mother, and when she bore him, nothing is known, but in 1387 he had already won his spurs by gallantry in the field. He had greatly distinguished himself in 1385 when the Scoto-French expeditionary force lay before Carlisle, performing prodigies of valour and slaying many English with his own hands—

xiv. Sir
 William
 Douglas,
 Lord of Niths-
 dale, died
 c. 1392.

“A phowng joly bachelere
 Prpsyd gretly wes off were,
 For he wes enyr trabeland
 Quhille he se and quhille he land
 To skathe his fays rycht besy
 Swa that thai dred him grettumly.” ⁴

Now Robert II., despite his bleared eyes, had begotten a large family of singular beauty, whereof the flower was a maiden known on state occasions as Egidia, but more familiarly and affectionately as Gelis or Gylis. The King of France, Charles le Bien-aimé, hearing report of her exceeding beauty, “sent a certain most subtle painter to do her portrait and portray her charms, intending to take her

¹ Loyalty.

² Without.

³ Wyntoun, ix. c. 21.

⁴ *Ibid.*, c. 7.

to wife,"¹ always provided, it may be surmised, that the portrait confirmed the common report. But le Bien-aimé was too late in the field; the lovely Gelis had already lost her heart to the dauntless Douglas, and with it went her hand and the broad lands of Nithsdale. They were married in 1387, and in the following year [8th November 1388] his father bestowed upon Sir William the lands of Herbertshire, in the county of Stirling.² In addition to the lordship of Nithsdale, Sir William received from the Royal Exchequer an annuity of £300.

Sir William had not been a year married before he undertook to chastise some Irish marauders who had been filibustering on the coast of Galloway. Landing at Carlingford with a party of 500 men he summoned the town. The mayor offered a sum in payment for an armistice, and sent to Dundalk for help. Eight hundred spears promptly responded and surprised the Scots by night, while a sortie was made simultaneously from the town. Nevertheless the Scots beat them off, captured and burnt the town, and seized the castle and fifteen ships in the harbour. Douglas was back in Loch Ryan in time to take part in the campaign of Otterburn.

Having married the most beautiful bride in Scotland, Sir William, it might be supposed, would have been fain to settle quietly at home and find outlet for his energy with hawk and hound. But, like others of his race, he deemed that the proper quarry of mankind was man; wherefore, when the prospects of that sport were overcast on the Border by an inconvenient truce with England about 1389, he must needs go farther afield, and offered his services to the Teutonic knights then at war with the Turks. He seems to have had a quarrel with the English Lord Clifford, descendant of him upon whom Edward I. bestowed Douglasdale. It is alleged that Clifford challenged Douglas to single combat, and that Douglas went to France to get a suit of armour proper for the purpose. Clifford thought, or

¹ *Pluscarden*, ii. 248.

² Charter at Crookston, quoted by Fraser, i. 355.

pretended to think, that the Scottish knight was afraid to meet him; but when Douglas kept the appointed tryst, Clifford, thinking ill of his chances against the new armour, kept out of the way, and to conceal his own dishonour hired assassins to dispatch his adversary. This is one of the Scottish versions of the affair, and therefore, perhaps, of scant impartiality; but another Scots chronicler makes no mention of Clifford, but merely states that Douglas, when walking on the bridge at Dantzic, was set upon and killed by the English.¹ This can scarcely have happened before 1392, for in that year he is referred to as having drawn most of his rents in the burgh of Dumfries.²

Sir William Douglas, Lord of Nithsdale, left two children by his wife Egidia or Gelis:—(1) William, who succeeded him, obtained knighthood³ and disappeared about 1408 in some manner unknown;⁴ (2) Egidia, who about 1407 married Henry St. Clair, Earl of Orkney, carrying with her as dowry the barony of Herbertshire. She became the mother of William, Earl of Orkney, Chancellor of Scotland and founder of the collegiate church of Rosslyn.

xv. Sir
William
Douglas,
Lord of Niths-
dale, died
c. 1408.

¹ *Pluscaracn*, ii. 248.

² *Exchequer Rolls*, iii. 332.

³ Apparently when very young, for he is described as *chevalier* in a safe-conduct dated 30th January 1406, when he could not have been more than nineteen.—Fraser, i. 358.

⁴ His name appears in sundry charters down to 1407.—*Morton*, ii. 204.

CHAPTER VI

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ARCHIBALD the Grim was succeeded in the earldom of Douglas by his eldest legitimate son, also named Archibald, known during his father's life by the title of Master of Douglas.¹ He was born about 1372, and about 1390 married Margaret, eldest daughter of the Earl of Carrick, who succeeded to the throne that year as Robert III. His father bestowed upon him the lordship of Douglas and the regalities of Etrick Forest, Lauderdale, and

¹ A style usually given at this day to the eldest sons of barons in the Scottish peerage.

Romanno. On 4th June 1400 the King appointed him keeper of Edinburgh Castle for life, on a salary of 200 merks a year, to be paid out of the customs of the capital city,¹ and in the same summer he stood a siege there under command of the Duke of Rothesay.

Marries
Margaret,
daughter of
Robert III.,
c. 1390.

But before that event the Master of Douglas, whom Bower describes as *homo ad cor altum*—a high-spirited man—had a merry brush with the English. The Earl of March, deeply aggrieved by Rothesay's conduct in jilting Elizabeth Dunbar for Marjorie Douglas, had appealed to Henry IV., not only on the grounds of equity but as a poor relation.² The grandmothers of the English King and the Scottish earl had been sisters, so, wrote March, "I am of

Defeats
March and
Hotspur
Percy,
Candlemas,
1400.



Fig. 16.—Seal of Archibald, 4th Earl of Douglas (1400).

third kin to you, the which in old time was called near."³ Henry did not disown obligations to his Scottish cousin; he accepted March's proffered fealty, bestowed lands and a castle upon him, but, inasmuch as the affairs of his own kingdom were in a very unsettled state, he could not at the moment respond to March's invitation to invade Scotland. Indeed, it is pretty certain that King Henry was anxious for peace; he made friendly overtures

¹ *Exchequer Rolls*, iii. 515.

² "As ane of yhour poer kyn, gif it likis yhow."

³ "And, excellent prince, syn that I clayme to be of kyn tyll yhow, and it peraventour nocht knawen on yhour parte, I schew it to yhour lordschip be this my lettre, that gif Dame Alice the Bewmont was yhour graunde dame, Dame Mariory Comyn, hyrre full syster, wes my graunde dame on the tother syde, sa

to the Scottish Government, which met with but a cold response. Accordingly, when the Douglases made raids upon Dunbar and Annandale, holding their lord to be a recreant and traitor, March wrote to protest that he was still one of King Robert's lieges, that he was only in England upon private business, and claimed that his officers should be protected in possession of Dunbar Castle. This request having been refused, March openly joined the English, and having allied himself with Hotspur Percy, marched at Candlemas, 1400, as far as Popple in East Lothian, wasting all the country as he went. The villages of Hailes, Traprain, and Markles were burnt and two unsuccessful assaults delivered on the castle of Hailes before the Master of Douglas arrived on the scene with an armed force from Edinburgh. At sunset he surprised the enemy in their camp between Linton and Preston. They broke up in confusion; their camp and all the booty they had gathered fell into Douglas's hands, and the Scots pursued them as far as Berwick, killing and capturing many in the woods of Cockburnspath, and bringing away as trophies the lance and banner of Sir Thomas Talbot.¹



Fig. 17.—Signet of Archibald, 4th Earl of Douglas.

As summer drew on, circumstances arose to embitter Henry IV. against his Scottish neighbours. No doubt Richard II. was as dead as William the Conqueror, but the nerves of usurpers are sensitive, and those of King Henry were vexed by a troublesome *revenant* of Richard in the person of "the Mammet," who had turned up in Islay, and claimed, or was alleged, to be Richard himself. Albany craftily countenanced the myth; belief in the

that I am bot of the feirde degre of kyn tyll yhow, the quhilk in alde tyme was callit neire." The usual official language at this time still being French, March, as a Scotsman, engages our sympathy thus—"Noble prince, mervaile yhe nocht that I write my lettres in Englis, fore that ys mare clere to myne vnderstanding than Latyne ore Fraunch." Perhaps there is a touch of diplomacy here, intended to dissociate this Scottish earl from the French alliance, so objectionable in the eyes of English statesmen.

¹ *Pluscarden*, ii. 256.

Mammet became very general, and caused much disquiet at the English Court. To lay this ghost, and at the same time to detach March finally from his Scottish allegiance, King Henry assembled an army at New-castle, and marched to Leith, whence he sent a summons to the King of Scots to make his allegiance. It is recorded that, out of gratitude for the ancient friendship between the house of Lancaster and the Scottish Court, King Henry would not permit the usual ravaging to be done by his troops.

Henry IV. in-
vades Scot-
land, August
1400.

King Robert having paid no attention to the summons, Henry laid siege to Edinburgh Castle, where the Duke of Rothesay held command as lieutenant of the kingdom, with Douglas as second in command. Rothesay, "for the sparing of Christian blood," chivalrously proposed to settle the campaign by a combat between one, two, or three hundred knights of each nation. Henry refused to see any difference between noble blood and Christian blood; blood was to flow, and that was enough;¹ so the siege went on.

Edinburgh
Castle be-
sieged,
August 1400.

Albany lay in force at Calder Moor, but prudently held his hand, waiting till the usual scarcity should force the English to raise the siege. Moreover, Owen Glendower and the Welsh were up in arms, which decided Henry to break up and march home empty-handed, the last English King to appear in person as an invader of Scotland.

When Archibald the Grim died on Christmas Eve, 1400, the Master of Douglas entered upon an heritage far exceeding anything that had ever been held by a vassal of the Crown. In addition to the paternal estates in Douglasdale and Galloway, Stirlingshire and Moray, Selkirk Forest and Clydesdale, he possessed the forfeited lands of March in Annandale and Lothian, resided chiefly at Dunbar Castle, and disposed of the Earl of March's possessions as absolute owner,² styling himself Lord of Galloway and of Dun-

Succeeds his
father as 4th
Earl of Doug-
las, Christ-
mas, 1400.

¹ *Fœdera*, viii. 158.

² In October 1401 he bestowed the lands of Cranshaws in Berwickshire, part

bar.¹ He had been for some time previously Warden of the East Marches, and in that capacity wrote in February 1401 an exceedingly long letter to Henry IV., complaining that the Earl of Northumberland had violated a year's truce fixed at Yetholm on 14th October preceding. Unlike the Earl of March, Douglas expressed himself in excellent French. Henry replied on 27th to "Honoured Sir" [*Honure Sire*] in a still longer letter, very courteous, but throwing all the blame of broken truce upon Douglas, whom he accused of having ridden in warlike array, with banner displayed, to Bamborough, burning that town and other places near it. However, King Henry, being desirous of peace, offered to send commissioners to Kelso to arrange the terms thereof; but this embassy ended in failure, and war was renewed in 1402.

So far Douglas had suffered nothing to earn the title of "Tineman," or Loser, which Sir William Fraser follows Godscroft in assigning to this earl rather than to Sir Archibald Douglas [x.], who fell at Halidon Hill. Out of the next transaction in which he bore a part he emerged with more dubious credit.

The heir-apparent, David, Duke of Rothesay, had been appointed lieutenant of the kingdom for a term of three years, which should end in 1402. The prior of St. Serf's gives the young prince an angelic character—

"Oure lord the kingis eldest sone,
 Sucte and wertuous, yong and faire,
 And his nerast lauchful ayre,
 Honest, habill and abenand²
 Oure lorde, oure prynce, in all plesand,
 Cunmand³ in to litterature,
 A scymly persone in stature,
 Schir Daby Duke of Rothesay."⁴

of the earldom of March, upon Sir John Swinton of that Ilk.—*The Swintons of that ilk*, pp. 32, xv.

¹ Letter of the Earl of Douglas to Henry IV.—Fraser, iv. 62.

² *Avenant*—courteous, elegant.

³ Knowing, skilful.

⁴ Wyntoun, ix. c. 23.

But the testimony of the house of Scriblerus is compounded for the patron's palate, and Wyntoun could not afford to speak evil of dignities.

The abbot of Inchcolm [Bower] wrote with a bolder pen, still more so the anonymous author of the Pluscarden chronicle; both of these writers describe the young prince as intolerably dissolute, and a danger to the commonwealth. It has appeared to some historians that Rothesay's uncle [the motives of uncles are ever suspect] saw in the heir-apparent a bar to his own ambition. Rothesay had proved himself a knight gallant in deeds of arms; it was not a censorious age, and no ordinary youthful irregularities seem to furnish sufficient reason for putting him under restraint. It is less easy to overlook certain other conduct even less creditable to the heir-apparent. Straited for pocket-money to defray his *menus plaisirs*, Rothesay helped himself from the public purse, intercepting the customs due to the Exchequer, and imprisoning collectors who offered any resistance to his peculations.¹

True, there is a story current that Rothesay's evil counsellors, Sir William Lindsay of Rossie and Sir John de Ramorny, had persuaded him to make an attempt upon Albany's life, and Bower gives details of their alleged conspiracy for seizing the castle of St. Andrews after the death of Bishop Traill, and holding it against Albany and the King. Another story is that Lindsay and Ramorny brought false accusations against the young prince, betraying him to the Duke of Albany out of private revenge.² The whole business is exceedingly obscure; the only clear part of it is that when good Bishop Traill, Rothesay's mother, and Archibald the Grim all died within a few months of each other, Rothesay lost the advisers who had kept him straight in his duties as Governor, and with their deaths, sighs Bower, departed the glory and honour and virtue of Scotland.³

¹ *Exchequer Rolls*, iii. 549, 552, 599.

² *Pluscarden*, ii. 258.

³ *Abiit decus, recessit honor, et honestas obiit Scotiæ.*

Certain also it is that Rothesay was arrested by his uncle, Albany, and his brother-in-law, Douglas, acting under a warrant from the decrepid King, and imprisoned, first in the Bishop's Castle at St. Andrews, and then in Falkland Castle, where he died—of natural causes, say some—of starvation, affirm others.¹

Death of
Rothesay,
27th March
1402.

If there was foul play, Albany and Douglas must have been authors thereof. That they were popularly suspected may be inferred² from the proceedings in Parliament on 16th May following, when an Act was passed declaring that the Prince had "departed this life through Divine Providence, and not otherwise," acquitting Albany and Douglas of high treason or any other crime, and strictly forbidding any of the King's subjects to make the slightest imputation upon their fame.

If, on the other hand, these two nobles were guiltless, then kindly Sir Walter Scott has wrought them cruel and lasting injury by earning for them execration from the myriad readers of the *Fair Maid of Perth*.

Assuming, as so many persons did at the time and have done since, that there was foul play, and that Albany and Douglas were the only men in a position to perpetrate it, one naturally seeks for a probable motive. The death of Rothesay restored to Albany the office of Governor and placed him one degree nearer succession to the throne; still there remained his other nephew James to be disposed of. But Douglas's interest lay clear the other way. Rothesay was his brother-in-law; his succession would have made

¹ The Pluscarden chronicler gives most details, alleging that after Rothesay was lodged in St. Andrew's Castle, Albany and Douglas held a council at Culross, where they decreed his death, and that the Prince was thereafter taken to Falkland, "upon a small pack horse and clad in a grey jerkin, after the manner of a valet, that he might not be noticed on the way." The date of his death is given as 7th April.—*Pluscarden*, ii. 258.

² But not more. Lord Hailes observes that the remission of Albany and Douglas was "in terms as ample as if they had actually murdered the heir-apparent." But Parliament could not ignore a circumstance so grave as the Prince's death in the hands of two subjects. Having inquired into the case, they merely pronounced Rothesay's custodians to be free from blame.

Marjorie Douglas Queen of Scots. It is all a matter of surmise, and nothing more can ever be made of it than this, that Rothesay died in the custody of Albany and Douglas; and that a Parliamentary inquiry, probably packed but assuredly indispensable, pronounced them blameless.

Innocent or guilty, it may be observed that the Scottish Parliament could not have afforded but to acquit Albany and Douglas, seeing that hostilities with England were in full swing again, and these were the only commanders fit to meet on even terms with the Earl of March. Young Patrick Hepburn and the flower of Lothian chivalry were cut to pieces on Nesbit Moor by March's son, George Dunbar, and Douglas took the field to avenge them, having with him Albany's son Murdoch and the Earls of Angus [xxxviii.] and Moray. He marched with 10,000 men, wasting all before him as far as Newcastle.

King Henry was occupied in putting down rebellion in Wales, but he had his spies in Scotland, as English Kings were used to do, and had warned his officers on the Border betimes.¹ Hotspur's fire was tempered by March's wife. The renegade earl persuaded the elder Percy, Earl of Northumberland, to lie at Wooler till the Scots were on their homeward march. They waited till Douglas's column had bivouacked on low ground called Millfield, and then moved swiftly to attack them. But Douglas was not off his guard. On the approach of the English he withdrew his force to the bare upland of Homildon, and awaited attack in the customary "schiltroms" or squares. It was the same blunder as Blucher committed at Ligny: the position was dangerously exposed to the enemy's fire. Hotspur was for charging the Scots without more ado, but canny March seized his rein and bade him behold what a fine target the crowded columns offered for archery. Then began the slaughter, the cloth-yard shafts pouring a ceaseless rain upon the motionless ranks.

Sir John Swinton, seeing his men falling fast without a

¹ 23rd May 1402.—*Fadera*, viii. 257.

Battle of
Homildon
Hill, 14th
September
1402.

blow struck, cried out for volunteers—"Better die in open mellay than be shot down like deer."¹ Near him stood one with whom he had ever been at mortal feud, Adam Gordon, who fell on his knees before him, craved pardon, claimed and received knighthood on the spot, and rode at his side down the hill. Only a hundred or so followed them; it was magnificent, but it was not war; the whole party perished under the eyes of their comrades.

Douglas ought surely to have supported Swinton. Unless the chronicles have done him wrong, he waited till it was too late; when he ordered a general advance it failed miserably — Lindsays, Livingstones, Ramsays, St. Clairs weltered on the ground; Douglas himself, Murdoch, Moray, Angus, and nearly all the surviving knights were captured. *Quid plura?* exclaims Bower in closing this dreary chapter, *captus est et redemptus quasi flos militiae totius regni Scotiae*,—"Why say more? the flower of all Scotland's chivalry, as it were, was taken and held to ransom."²

Thus was the shield of Percy purged of the reproach of Otterburn. The English slain could be numbered on the fingers of one hand.³ Douglas's armour, reported to have taken three years in making, availed not to protect him from five several wounds, including the loss of an eye. The Percys and March had secured a valuable haul, for, poor as Scotland had become, so many noble and knightly prisoners represented an immense aggregate of ransom to their captors. What, therefore, must have been the chagrin of the English knights when letters arrived from their King, congratulating them on their victory indeed, but strictly charging them upon no account to release their prisoners until he should make known his will.⁴ King Henry only added insult to injury a few months later when he bestowed upon Percy the earldom of Douglas and all the lands owned by Douglas in Scotland.

Hotspur and March set about indemnifying themselves

¹ Bower, xiv. c. 14.

² *Ibid.*

³ Bain, iv. 129.

⁴ *Federa*, viii. 278.

each according to his nature. To the house of Percy, more than to any other, did King Henry owe his crown. Hotspur now joined hands with Glendower in rebellion; set free his Scottish prisoners, who gladly placed their swords at his service. March, ever careful to side with Providence and the big battalions, feigned to do the same, but revealed the whole plan of campaign to King Henry. Hotspur, at the head of the Scottish knights and Percy vassals, made a feint upon the Border near Carlisle, then, swiftly veering south, marched to encounter King Henry at Shrewsbury.

“Thrice hath this Hotspur Mars in swathing-clothes,
This infant warrior in his enterprises,
Discomfited great Douglas: ta'en him once,
Enlarged him, and made a friend of him,
To fill the mouth of deep defiance up,
And shake the peace and safety of our throne.”¹

The encounter between the King of England and his rebel lords gave Shakespeare one of his grandest themes.

Battle of
Shrewsbury,
25th July 1403. The issue, it is said, remained long doubtful, until Hotspur, raising his vizor for a breath of air, received an arrow through the brain. Then Douglas tasted of defeat as crushing as that which had befallen his arms at Homildon. The insurgent forces were scattered with terrible carnage. English and Scots historians unite in testimony to Douglas's valour on this fatal field; it was reported that, besides slaying the Earl of Stafford with his own hand, he sought out and slew three others—mock kings—soldiers wearing diadems to make belief that each was Henry himself.

Douglas—“Another king! they grow like hydra's heads.
I am the Douglas, fatal to all those
That wear those colours on them. What art thou
That counterfeit'st the person of a king?”

King Henry—The king himself who, Douglas, grieves at heart
So many of his shadows thou hast met,
And not the very king.”²

¹ *King Henry IV.*, Part I. Act iii. sc. 2.

² *Ibid.*, sc. 4.

At last, after receiving a peculiarly painful wound,¹ Douglas yielded himself once more a prisoner. He remained in captivity till 1409, but was allowed to pass to Scotland from time to time on finding hostages of high rank for his parole. He and the other Homildon prisoners were held to ransom, but on conditions too onerous for the exhausted condition of the Scottish land and exchequer, and matters grew still more hopeless when, three years later, Prince James of Scotland [afterwards James I.] was taken at sea by English ships. The release of Douglas was discussed in King Henry's Parliament, where it was proposed that certain Scottish castles should be handed over as the price of his freedom.² This condition was practically prohibitive; Albany certainly would not have consented thereto, and any attempt to enforce it would have re-opened the war which King Henry from the first had been anxious to avoid. Other onerous conditions were attached to the absence on parole which was granted to Douglas upon several occasions, namely, that he should do all in his power to induce his countrymen to unite in observing the truce agreed to between himself and the English Council, and should undertake that he, Douglas, should oppose with all his force, any power, whether in Scotland or France, who should infringe the said truce or wage war upon England.³

Douglas's
captivity in
England,
1402-1409.

Douglas also bound himself as the King of England's "man" against all men except King James of Scotland, which obligation was not to lapse with his imprisonment but to endure to his life's end. Upon sealing this bond and swearing on the gospels to return into captivity on the day appointed,⁴ the earl obtained the privilege, renewed from time to time, of visiting Scotland upon his private affairs. But at Easter 1409 Douglas failed to surrender to his parole. King Henry IV. wrote to Albany complaining of this breach of knightly obligation,⁵ and, later, warned

¹ *De uno testiculo castratus*.—Bower, xv. c. 17.

² *Rolls of English Parliament*, iii. 580.

³ Fraser, iii. 46.

⁴ *Fœdera*, viii. 478.

⁵ *Red Book of Mentcith*, i. 212.

him that unless the earl returned his hostages would be dealt with at pleasure. Douglas never returned to captivity, but the ransom for the unlucky hostages was still being paid in 1413, when King Henry V. granted a discharge for 700 merks, part payment of 1000 merks due as ransom for William Douglas, grandson of James Douglas of Dalkeith, one of the hostages for Archibald, Earl of Douglas, "lately the prisoner and captive of our illustrious father."

From Douglas's captivity resulted one of those frequent transfers of allegiance and political support which render Scottish history in general, and the annals of the house of March in particular, such a puzzling kaleidoscope. Apparently, while in English durance, Douglas had become reconciled to March, and March to Albany, through the mediation of Sir Walter Haliburton, so that in 1409 the Governor of Scotland restored to March his forfeited earldom and the lands thereof, all of which had been in possession of Douglas since 1400. But attached to the pardon granted to March was this important condition, namely, that he should resign the lordship and lands of Annandale, part of the March possessions, in favour of the Earl of Douglas, who thereby became Lord of Annandale as well as of Galloway.¹

The personal bond of friendship which had endured so long between the Duke of Albany and Archibald the Grim had been shared by the son of the Grim, and, on the escape of Douglas from captivity, was confirmed by a bond of mutual assistance and support [20th June 1409], coupled with provision for the lapse of the said bond in the event of Albany succeeding to the throne of Scotland. This was followed by a contract of marriage between Douglas's daughter Elizabeth and John, Earl of Buchan, Albany's eldest son [July 1410].

¹ *Reg. Magni Sigilli*, i. 241. Douglas appointed as his steward in Annandale Sir Herbert Maxwell of Carlaverock, at an annual fee of £20, and all fines levied in his courts of 18s. and under.—*Reg. Magni Sigilli*, ii. 242.

In 1412 Douglas went to France, by way of Flanders, with a large company of knights and squires. Travels to France, 1412. Bower describes how the flotilla was thrice driven back by an east wind; which, indeed, as it happened to be the month of March, was nothing extraordinary, but the moral of the incident became apparent after the third failure, when, in deference to the Earl of Orkney's advice, Douglas ordered sails to be trimmed for Inchcolm, where offerings were made at the shrine of St. Columba. Straightway the wind veered round to the west and they all had a speedy and prosperous voyage. On 11th April Douglas entered at Paris into a bond of alliance with Jean-sans-peur, Duke of Burgundy, whereby each was bound to assist the other in the respective countries with armed force.

Douglas had resumed his office as Warden of the Marches, and, like his father before him, presided officially and in person at a duel fought at Battlehaugh, near Annan, wherein Thomas Smith, the aggressor, was slain by John Hardy.¹ Albany gave him a free hand in defending the Border and keeping the peace thereon, but little or no money to do so withal. The Regent disliked the idea of imposing new taxes, either because he was anxious for popularity or because he really thought the lieges could bear no more. Douglas therefore indemnified himself for his great expenses by helping himself to the customs, with which he certainly intromitted in an irregular manner, although he gave regular receipts for the sums he intercepted.²

Meanwhile the King of Scots was still in captivity; so was Albany's son Murdoch. Albany, though actively anxious for Murdoch's release, has been generally accused of indifference, or worse, as to the duration of James I. But here again, as in the death of Rothesay, the evidence against Albany is defective. There are few characters in history about whom so much is known in action, and so little is clear in motive. No doubt Albany pressed for his

¹ Bower, ii. 447.

² *Exchequer Rolls*, iv. 175, 177, *et passim*.

son's release more diligently and successfully than he did for that of his nephew the King, seeing that Murdoch was liberated early in 1416 in exchange for Henry Percy, son of Hotspur; but that may have been because the ransom demanded for Murdoch, great as it was—50,000 marks—was feasible, whereas the King's ransom was beyond the means of the impoverished Scottish nation. James certainly suspected his uncle, and reproached him for not so much as answering his letters—"therefore us ferylis nouch little."¹ He also wrote to Douglas urging him to spur Albany to more diligence in working for his release, for the delay "stands only in them that should pursue for us."² Douglas certainly was busy ostensibly in working for the King's release. Twice in 1416 he travelled to Westminster on this matter, but between these visits occurred something which cannot have tended to facilitate negotiations. Henry v. being in France conducting the campaign of Agincourt, the English Lollards explained to the Scots Government what a splendid opportunity this was to assume the offensive. Albany, nothing loth to create a diversion in favour of Scotland's ancient ally, marched to besiege Berwick, and despatched Douglas to capture Roxburgh Castle, which remained an English thorn in the Scottish flank. But rumour spread that the Duke of Bedford was approaching in great force, and the campaign earned the name of the Foul Raid, from the discreditable haste with which both wings of the Scottish army beat a sudden retreat. The English in revenge wasted Teviotdale and Liddesdale, burning Hawick, Selkirk, and Jedburgh, and probably taking among other prisoners James, younger son of the Earl of Douglas.³

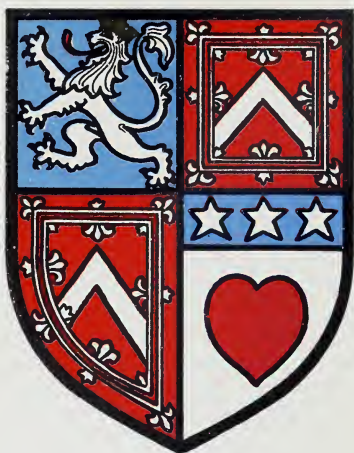
The Regent Albany, dying in 1420, was succeeded in his office by his son Murdoch, 2nd Duke of Albany, with whom Douglas was not on nearly such cordial terms as

¹ Whereat we marvel not a little.

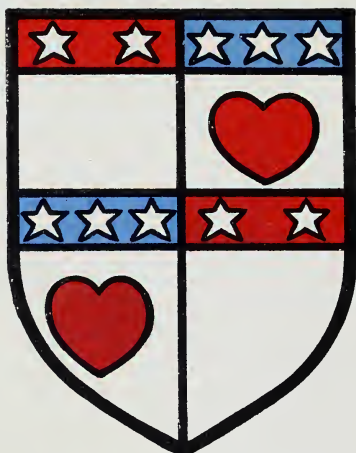
² *Red Book of Menteith*, i. 283.

³ He was at all events a prisoner in 1418-1419, when provision was made for his ransom.—*Rotuli Scotiae*, ii. 223.





William Douglas, Earl of Wigton,
1437.



The Regent Morton, ob. 1581.



William Douglas, 9th Earl of Angus,
ob. 1591.



William, 1st Marquess of Douglas,
ob. 1660.

with his father, and therefore exerted himself in earnest to procure the release of the King. But James was now in France with King Henry, who was playing him off against the Scottish contingent in the army of Charles VI., which contingent was under command of the Earl of Buchan and of Douglas's eldest son Archibald, Earl of Wigtown [xvii.].

Douglas enters Henry V.'s service, 30th May 1421.

Sir William Douglas of Drumlanrig [lxxvii.] was sent in the autumn of 1420, under English safe-conduct, to confer with King Henry's commissioners,¹ and in April 1421 the Earl of Douglas travelled to London and obtained an agreement whereby James should be permitted to spend three months on parole in Scotland, twenty-one hostages being required in security, of whom one was James Douglas, second son of the earl.

But the Earl of Douglas had to pay for this boon a price so heavy that he would surely have declined it but for King James's urgent commands and his own strong desire to get the King back to Scotland, where confusion was deepening under Murdoch's rule. The price was nothing less than that Douglas, pillar of the Scottish realm, should become King Henry's man so long as either of them should live, and attend him on active service wherever and whenever commanded, with 200 knights and squires and 200 archers. These excruciating provisions were embodied in an indenture sealed in London on 30th May 1421;² and had they come into force the Earl of Douglas might have found himself opposed in France to his own countrymen under his son Wigtown and his son-in-law Buchan, who had just defeated the English at Baugé. Luckily he was spared this ordeal, the obligation being dissolved by the death of Henry V. in the following year.

Charles VI. of France died a few weeks after Henry V., and in 1423 his son, Charles VII., sent the Earls of Buchan and Wigtown [xvii.] to urge Douglas to come to his assistance. Douglas, nothing loth, seeing that his ancient ally

¹ *Fadera*, x. 18.

² *Ibid.*, x. 123.

John of Burgundy was dead, consented willingly, and, after making sundry gifts, in case of accidents, Douglas takes service under Charles VII. of France, 1423. to the church, and committing the monks of Melrose to the special care of the Earl of Wig-town, whom he left behind to promote the King's release, he sailed early in 1424 and landed at La Rochelle, the whole expenses of the voyage being defrayed by the King of France.

Among the knights in his suite was a very dear friend, Sir Alexander Home of Dunglas. Home had intended that his brother David of Wedderburn should go with the expedition, and had gone down to witness the embarkation and wish them all good speed. When it came to leave-taking, Douglas turned to Dunglas¹ and said, "Well, Alexander, I little thought that anything would ever befall to part us twain." "Nor shall anything part us now!" exclaimed Home, and having made his brother David give up to him his armour and outfit, he went on board with the earl, never more to return to fair Tweedside.

On 19th April 1424 Douglas took the oath of fealty to Charles VII. at Bourges, who made him lieutenant-general of his forces, and bestowed upon him the rank which Archibald the Grim had so proudly declined, creating him Duke of Touraine—the fairest province in all France. To the wide territory conveyed with his dukedom King Charles added the town and castle of Chinon, in compensation for certain ecclesiastic rights reserved to the Crown in the Duchy of Tours.² The French Lords of Exchequer demurred to this alienation of Crown lands, but King Charles would listen to no objections, and the grant was duly ratified and recorded on 25th April.

On 7th May the Duke of Touraine, or, as it is more convenient to continue to style him, the Earl of Douglas, rode from Loches and made ceremonial entry to Tours, the capital of his duchy, amid the acclamation of the people.

¹ The stress lies on the first syllable in *Douglas*, on the second in *Dunglas*.

² Fraser, i. 390.

The archbishop and chapter received him at the west entrance of the cathedral; Douglas, having been presented with a surplice, amice, and breviary, was installed as a canon,¹ and the townspeople made him an offering of two pipes of wine and a hogshead of oats. All was mirth and sunshine in the ancient city; but King Charles had sent for Douglas on more serious business than mere merry-making. The Duke of Bedford was besieging the castle of Ivry, whereof the governor had agreed to surrender unless relief came before a given day. Douglas therefore, having appointed his cousin, Adam Douglas, governor of Tours town and castle, marched with all speed to succour the garrison of Ivry. He was too late: Ivry had fallen; "John with the leaden sword," as Douglas nicknamed Bedford, was too strongly posted to invite attack; so the Scots fell back towards Verneuil. Now Verneuil being garrisoned by the English, Douglas had recourse to a ruse for its capture. He caused a number of his men to fall out of the ranks and to be bound as counterfeit prisoners, smeared with blood and led at the tails of horses. These were taken under the walls of Verneuil, the garrison of which were informed that they had been captured from the Duke of Bedford, whose army had been completely routed. The garrison surrendered at once and submitted to Charles VII.

Douglas and Buchan had been reinforced by French troops under the Duc d'Alençon, the Maréchal de Lafayette, and the Viscomte de Narbonne, to whose jealousy and insubordination has been attributed the fate of this expedition. Bedford advanced promptly against the allies in position at Verneuil, sending a special message by a herald to Douglas to say that he wished to drink with him. Douglas replied to John-of-the-Leaden-Sword that he had come all the way from Scotland for no other purpose. Lines of battle were formed forthwith; knighthood was conferred as usual upon the eve of a great engagement, among others, upon Douglas's

¹ Clovis, under whom Tours became part of the Frankish dominion, received for himself and his successors the title of Canon of Saint Martin.

younger son James; and immediately after the troubles of the commander-in-chief began. Douglas, being in a strong position, prudently prepared to await Bedford's attack. Narbonne mutinously declared he would not obey such



Fig. 18.—Seal of Archibald, 4th Earl of Douglas, Lord of Galloway (1400).

cowardly orders, and vowed he would lead the attack himself, even if he got no support. Rather than allow this hot-headed young knight and his troops to be cut to pieces, Douglas ordered a general advance. Narbonne's men soon had enough, and left the Scots hand to hand with the English columns. "No quarter!" was the order of the day, as

previously agreed between the English and Scottish commanders, and the day went against the Scots. Hardly a handful of them escaped from the field. Douglas, Duke of

Touraine, was slain, so was his son James and his son-in-law Buchan, with many other nobles and knights of Scotland, meet vengeance by Bedford for the slaughter of Clarence at Baugé. Douglas was buried in the church of Saint Gratian at Tours.

By his duchess, Margaret, daughter of Robert III., the Duke of Touraine had three children:—

- (1) Archibald [xvii.], Earl of Wigtown and Comte de Longueville, who succeeded his father in the Scottish estates and honours.
- (2) James, who fell beside his father at Verneuil.
- (3) Elizabeth, who married, first, John Stuart, Earl of Buchan, Albany's eldest son, slain at Verneuil; second, Sir Thomas Stuart of Mar; and third, William Saint Clair or Sinclair, 3rd Earl of

Death of the
Earl of
Douglas.

Orkney. She is credited with having built the lower chapel, under the beautiful church of Rosslyn, erected by her third husband.

The widowed duchess received from her brother, James I., permission to hold the lordship of Galloway during her life, probably in accordance with the will of her husband. She



Fig. 19.—Seal of Princess Margaret, Duchess of Touraine.

made her home at the Thrieve, whence she administered the affairs of her province with much discretion and firmness. After the death of her son, the 5th earl, in 1439, and the judicial murder of his two sons in 1440, Duchess Margaret claimed from the King of France her terce of the lands and revenues of Touraine. But King Charles had already

bestowed the duchy, to which the 5th Earl of Douglas [xvii.] was legitimate heir, upon Louis, King of Sicily, and no income ever accrued from Touraine to the Douglasses after the death of Archibald at Verneuil, although the 5th and 6th Earls of Douglas continued to use the title. King Charles excused himself by explaining that it had been reported to him that the 5th earl had died in Scotland in 1425, never having done homage for the duchy, which accordingly reverted to the Crown.

The date of Duchess Margaret's death was after 1450, when she resigned the lordship of Galloway, and before 1456, when she is referred to as deceased.¹ Her tomb in the chancel of Lincluden, a beautiful example of flamboyant gothic, rich in heraldic ornament, bears the legend, "A l'aide de Dieu," and the following inscription:—

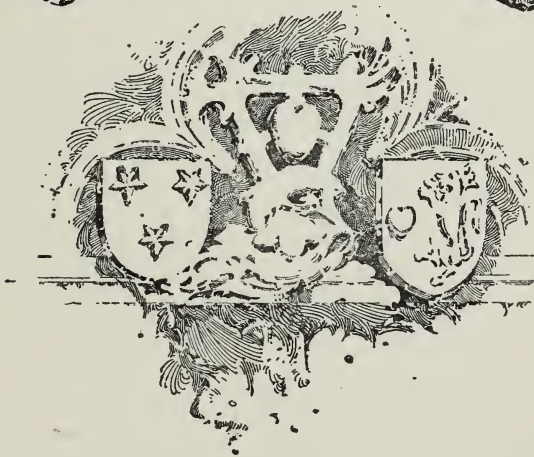
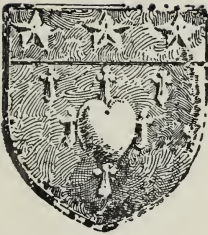
"Hic jacet dñā margareta :
regis : scocie : filia : quodā
comitissa de douglas :
dñā : galibidie : et : ballis
annandie." ²

¹ *Exchequer Rolls*, vi. 196.

² Here lies the Lady Margaret, daughter of the King of Scotland, sometime Countess of Douglas and Lady of Galloway and Annandale.



Tombe de Marguerite d'Autriche
à l'église de St. Pierre de Louvain



*Armorial Bearings of the Douglas Family
in Lincluden College*

CHAPTER VII

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WHEN Archibald, Earl of Wigtown, succeeded his father as 5th Earl of Douglas the sun of chivalry was already far on its decline. Henceforward goose-quills and parchment were to prove more potent in the manufacture of history than sword and lance; such renown as this Douglas won as a warrior was achieved before he became chief of his line. Born about 1390, he passed several years of his youth, between 1405 and 1413, as principal hostage for his father, and it was stipulated that should the Earl of Douglas die during absence on parole, the Master of Douglas, as he was then styled, should become King Henry's prisoner in his place.¹

In 1413 that obligation ceased on the discharge of his

¹ Fraser, iii. 47.

father's ransom. Then came the French Dauphin's appeal to Scotland for aid in his struggle against Henry v. of England, which Parliament answered by the despatch of 7000 men under the command of the Earl of Buchan and the Master of Douglas, thereafter styled Earl of Wigtown.¹ Landing at La Rochelle, the force went into quarters at Châtillon in Touraine, where at first, it must be confessed, they earned as little favour from the people they had come to assist as the French knights had done in Scotland in 1385. They were only remarkable for the amount of wine

Battle of
Baugé, 21st
March 1421.

and mutton they could stow beneath their belts. Howbeit, they redeemed their character by the conflict at the Bridge of Baugé [21st March 1421], where King Henry's brother, the Duke of Clarence, fell, and his army was routed with terrible slaughter. For his part in this great victory Wigtown received from the Dauphin the title of Comte de Longueville in Normandy, with the lands of Dun-le-roy in Berri,² barren honours probably, for Longueville, at least, was then in the hands of Gaston de Foix, who was of the English party.

The fortune of war turned against the Scots later in the season when, with their French allies, the Scots were badly beaten by the English at Fresnay-le-Comte; Sir William Douglas of Drumlanrig lost his banner in the flight,³ and, cruellest of all, 12,000 crowns received for the hard-earned pay of the Scots fell into possession of the victors. Next year [July 1422] a still heavier

Rout of Fres-
nay-le-
Comte, 1421.

Battle of
Crevant,
July 1422.

disaster befel the Scottish arms at Crevant, where they were defeated with the loss of 3000 men. Then the Dauphin [by this time Charles VII.] bethought him of sending for the great head of the house of Douglas, and it has been shown how the Earls of Buchan and Wigtown went on that mission, and how

¹ Among other knights serving in this force were Sir John Stuart of Darnley, Constable of Scotland, Sir Robert Stuart of Ralston, Sir William Swinton, Sir Hugh Kennedy, Alexander Lindsay, brother of the Earl of Crawford, etc.

² Now Dun-sur-Auron, principal town of the canton of Cher.

³ Probably his life also, for in his son's retour to the barony of Hawick in 1427 he is referred to as having been dead for six years.—Fraser, i. 406, note.

Wigtown, luckily for himself, remained in Scotland to look after the interests of his family.

James I. of Scotland was released from his long captivity in March 1424. The Earls of Wigtown, March, and Crawford, Sir Herbert Maxwell, Fraser of Lovat, Campbell of Argyll, and many others of his subjects high in rank, met him at Durham and escorted him back to his kingdom. "Will ye no come back again?" had been for long years the refrain of loyal Scottish prayers, but James came back in such mood as made many people wish he had stayed away. The kingdom was in a state of anarchy, and it boded much disturbance of vested interests and acquired habits when the King exclaimed: "If God give me but a dog's life I'll make the key keep the castle and the bracken bush the cow throughout my realm of Scotland." He crossed the Border on 9th April 1424; on 13th May, Walter, eldest son of Murdoch, Duke of Albany, was arrested in his name, with Fleming of Cumbernauld and Boyd of Kilmarnock. On 21st May James was crowned at Scone, and conferred knight-hood on Alexander, Albany's second son, on the Earl of Wigtown, and five-and-twenty others. Next year, 13th March 1425, King James summoned his second Parliament to Perth. On the ninth day of the session the storm broke. Murdoch, Duke of Albany, was seized by the King's command, together with his son Alexander, whom he had knighted not ten months before, Lord Montgomery, and Alexander of Otterburn, Albany's secretary.¹ These, with

Return of
James I.
to Scotland,
1424.

¹ In his *Douglas Book*, so praiseworthy for fulness and clearness of record, Sir W. Fraser has followed Tytler and Burton into a trap laid for them by Goodall, editor of the *Scotichronicon*. Sir James Ramsay of Bamff explained the blunder by a letter to the *Scotsman*, 12th July 1883. The passage [*Scotichronicon*, xvi. c. 10] runs as follows [translated]:—"On the ninth day of the Parliament the King arrested Murdoch, Duke of Albany, and his younger son Alexander, whom he had knighted on the day of his coronation with twenty-six others." Goodall interpolated a comma after "coronation," which gave the sense that twenty-six others were arrested; whereas what Bower meant is that Alexander, who was arrested, had been knighted with twenty-six others. The Earl of Wigtown, by this time 5th Earl of Douglas, and several others of the six-and-twenty, were members of the jury of twenty-one lords which condemned to

Walter, Albany's eldest son, were tried before an assize of twenty-one peers, among whom was the Earl of Douglas, condemned to death, and suffered forthwith upon the Heading Hill of Stirling.

Only one son of Albany escaped, James Stuart to wit, five of whose men were savagely destroyed, being torn asunder by horses. Thus did King James think to strike terror into the hearts of his nobles, who had carried things with so lawless a hand—*roboria*—during his absence. It might have improved the effect if, instead of appropriating the taxes raised for his ransom, he had applied them to redeeming his hostages of the best blood in Scotland, who were left to languish in England, where some of them died.

The municipality of Tours voted £1000 to the Earl of Douglas for his happy accession as 2nd Duke of Touraine, but Douglas was not present, nor did he ever put in any claim to the succession nor derive any revenues from the duchy. Clerks gave him the title, indeed, in drafting charters, etc., and he continued to bear the arms, but he was known officially in Scotland as Earl of Douglas.

During the rest of King James's reign little is recorded of Douglas. He attended King James in his expedition against the rebel Lord of the Isles in 1429; but in 1431, for some unknown cause, he and Sir John Kennedy were arrested, Douglas being committed to ward for a short time in Lochleven Castle.

On 20th February 1437 King James I. paid the penalty of an over-zealous reformer, being assassinated in Perth by Sir Robert Graham, the alleged agent of James's uncle, the aged Earl of Athol. James II., only six years old, was crowned at Holyrood in March, when the Earl of Douglas was appointed Lieutenant-General of the kingdom, — practically Regent, and the Scottish tragedy entered upon its darkest

Douglas
appointed
Lieutenant-
General of
Scotland,
March 1437.

death Murdoch, his two sons, and his father-in-law the Earl of Lennox; whence it has been argued that they had been suborned during their supposed imprisonment. That King James did put some constraint upon Douglas and his colleagues is only too probable, but not by means of imprisonment.

phase. The boy King was left to the custody of the Queen-mother, and two knights of families not in the first rank competed for the chief authority in the royal household, namely, Sir William Crichton, governor of Edinburgh Castle, and Sir Alexander Livingstone, governor of Stirling Castle, and the Queen conveyed the King to Stirling. So far as the perplexing and contradictory chronicles of the time can be understood and reconciled, Douglas seems to have ruled on the principle



Figs. 20, 21.—Seals of Archibald, 2nd Duke of Touraine, 5th Earl of Douglas, etc. (1424-1439).

of *laissez faire*. Nevertheless, it was so highly undesirable that the King's person should be the subject of contention between Livingstone and Crichton that he went to Bute to prepare Rothesay Castle for the reception of the young monarch. But this project was thwarted by the sudden death of Douglas at Restalrig on 26th June, and the guidance of affairs passed into less trusty keeping.

The body of the 5th Earl of Douglas was taken to St. Bride's Church of Douglas, and there interred under a handsome stone canopy.¹

He married about 1424-1425, under Papal dispensation,

¹ The Latin inscription on the tomb gives the year of his death as 1438 instead of 1439.

Death of the
Earl of
Douglas,
26th June
1439.

Euphemia, daughter of Sir Patrick Graham of Kincardine, and the Countess Palatine of Strathern, and had three children [besides two who are supposed to have died young]—

- (1) William [xviii.], who succeeded him.
- (2) David.
- (3) Margaret, the Fair Maid of Galloway, successively countess of the 8th and 9th Earls of Douglas.

Euphemia, Countess of Douglas, survived her husband, and in the year following his death married, under Papal dispensation, James Hamilton of Cadzow, afterwards Lord Hamilton, although she continued to style herself Countess of Douglas.

William succeeded as 6th Earl of Douglas in 1439, being then only fourteen years of age, but already a knight of ten years standing, having been so dubbed by his grand-uncle, James I., at the christening of the twin princes Alexander and James. Boece's account of the young earl's extravagance and ambition is to be read with more reserve than even the general narrative of that most untrustworthy scribe, for was not Boece bound to gratify his patron, James v., by blackening the memory of the discredited house of Douglas? Extravagant the young lord may have shown himself, for he had entered upon a heritage so magnificent that it might well have turned an older head, but of ambition he could only have cherished boyish dreams.

The Queen-mother had privately married Sir James Stuart, the Black Knight of Lorn, as a protection against the rival schemes of Crichton and Livingstone. Vain hope, as it proved, for Livingstone threw her husband into prison and took possession of her son, the boy King. This act was ratified by the Council which sat at Stirling in September 1439, the young Earl of Douglas being present. The magnificence of his retinue and his haughty bearing upon this occasion probably roused the apprehensions of Crichton, now Chancellor of Scotland, and of Livingstone, whom the

xviii. William, 6th Earl of Douglas, Earl of Wigton, Lord of Galloway and Annandale, 1425-1440.

Council had recognised as the King's guardian. Crichton and Livingstone had been at open war with each other, but were now reconciled. Perhaps young Douglas had spoken slightly of these upstarts and of his intention, as near kinsman of the King and chief of the house that had always been first in the royal council, to claim the guardianship. The preface to the coming tragedy is hopelessly obscure. Godscroft follows the fabulous narrative of Boece, and is utterly unworthy of belief. What is probable is that

Murder of
the Earl of
Douglas and
his brother,
24th Novem-
ber 1440.

Chancellor Crichton had imbibed, approved, and adopted the first James's policy of breaking the power of the great nobles, and perceived a danger to the State, and especially to his own position therein, in the vast power to which the heir of Douglas succeeded. What is certain is that the earl and his brother David received "pleasant writings"



Fig. 22.—Seal of William, 3rd Duke of Touraine, 6th Earl of Douglas, etc. (1439).

from Crichton bidding them to the King's court, and that they accepted the invitation. They rode together to Edinburgh with Sir Malcolm Fleming of Cumbernauld, and were presented to the King, then a boy of ten years. Dinner was served in the castle; it is said that while the company sat at table on that grey November afternoon a black bull's head¹ was suddenly placed upon the board. This ominous dish was the signal for one of the most horrible deeds in Scottish history. The gay young earl, his brother, and Malcolm Fleming were seized; the Douglasses were arraigned on the spot before a mock tribunal in presence of the King,

¹ Sir Walter Scott is responsible for the colour.

condemned on some unknown charge, taken out into the castleyard, and then and there beheaded. Fleming suffered a like fate a few days later. Probably he was too intelligent a witness of the crime to be suffered to live.

"Edinburgh Castle, town and tower,
God grant thou sink for sin!
And that e'en for the black dinner
Earl Douglas gat therein."

Whatever may have been the whole scheme and aim in this most ghastly deed, Crichton's immediate purpose was thereby attained, namely, the division of the Douglas estates, and the weakening of the chief of that too powerful house.

The estates of Douglasdale and other lands passed under the entail of 1342 to James, Earl of Avondale [xix.], while the lordships of Galloway and Bothwell, with all the lands inherited from Joanna Moray of Bothwell, devolved upon the Lady Margaret, only sister of the murdered brothers. Nor was that all. The lordship of Annandale had been granted to Archibald, 4th Earl of Douglas, and the heirs of his body, whom failing, to the Earl of March. But George, 11th Earl of March, had been imprisoned by James I. in pursuance of his policy of crippling the feudal lords, and his lands forfeited to the Crown. Now, therefore, on the failure of the Douglas line, Annandale followed the rest of the possessions of March, and became part of the *privatum patrimonium* of James II.

Thus was the great dominion of the Earls of Douglas shorn to shreds. To suggest that Chancellor Crichton was acting conscientiously according to his lights in the supposed interests of the kingdom may seem to strain the sentiment of charity beyond what is reasonable. Nevertheless, assuming that Crichton perceived a standing menace to the monarchy in the extraordinary ascendancy of a single subject, in destroying that subject he was but taking a leaf from the book of his master, James I., and following the example of that master in resorting to the recognised instru-

Division of
the Douglas
estates, 1440.

ments of statecraft—the axe and the block. Their youth and inexperience impart a deeper gloom to the fate of these gallant victims than that which broods over the doom of Murdoch and Albany and his sons, or of those Highlanders whose faith in kingly honour had cost them their lives. Crichton was a clumsier disciple of the school than the royal reformer under whom he had been taught, and his stupid cruelty has brought upon him bitter execration for all time to come.

The murdered earl was but fifteen years of age; nevertheless he left a widow, having married Janet Lindsay, a daughter of the 2nd Earl of Crawford. As late as 1482 she received from James III. lands in the lordship of Brechin, in lieu of terce due to her from the lands of Douglas,¹ which by that time had been forfeited to the Crown.

The earldom of Douglas now reverted to James Douglas of Balvany [or Balvenie] in Banffshire, second son of Archibald the Grim [xiii.]. James I. had already created him Earl of Avondale and Lord Balvany in 1437, and it has been suggested that he received the earldom of Douglas by a fresh grant from the Crown, the inference being that he had condoned, if not connived in, the fate of his young kinsmen and chief; but there is not the slightest evidence for this suspicion. He succeeded as heir of line under the entail which secured the inheritance to Archibald the Grim and the heirs of his body. He was already an old man, upwards of sixty, when he entered upon the diminished inheritance; his corpulence had earned for him the sobriquet of "the Gross," and it may well be that it was want of physical and mental energy, and not goodwill towards Crichton, which prevented him, during his short term of possession, from undertaking those measures of vengeance which cost his son, the 8th earl, his life.

Like other Scottish barons, including those of his own

¹ *Exchequer Rolls*, vii., lxiii.—lxviii., 325, 411, 466, 554, 632. Much confusion has been caused by some of these grants having been made to the countess under the name of Margaret.

xix. James
"the Gross,"
7th Earl of
Douglas, 1st
Earl of
Avondale,
and Lord
Balvany,
c. 1380-1443.

kin, he had acquired the habit in youth of helping himself out of the public funds; frequent occasions are on record on which he scrupled not to extort from the King's collectors money to which he was not entitled, or compelled them to pass his wool free of duty.¹ During his brother's captivity in England, James discharged the office of Warden of the Marches. When Percy, Earl of Northumberland, sought refuge in Berwick after the battle of Shrewsbury, James Douglas entered into most amicable relations with him; but no sooner had Percy quitted that city than James's soldiers burnt most of it to the ground. Thereupon King Henry not unreasonably accused Douglas of breach of truce and violation of his oath as Warden. Douglas replied with spirit, bringing counter-charges against the English, and justifying himself at great length in the following characteristic strain:—

“And quhar yhe say that Berwike that standis in Scotlande, the qwhilk toun yhe call yhouris in yhour sayde lettres, and certayne landis of yhouris wythin Inglande was brende be my men, my will and myn assent, brekand the trewis, and nocht in yhouris, and in the contrar of myn athe, tharto I answer in this maner, that qwhat tyme it like to our lege Lorde the Kyng, and to yhour hee Excellent, to ordane redress to be made be his commissaris and yhouris of all attemptatis done of aythir syde, I sall, with the help of Gode, make it well kennyt that I haff trewly kept myn athe and the trewis, as afferys to me of resoun. And qwhaever enfourmit yhour Excellence that I hade brokyn myn athe, it had bene fayrar for him to haffe sende me that querelle into wryt vnder his selle [seal], and til haff tane answer greable as afferit to him vnder my selle agayne, than sua vntrewly in myn absence till enfourme yhour Excellence, for I trayst he has saide mar in myn absence than he dar awow in my presens, for—nocht displece yhour honour—learys [liars] sulde be lytill alowit wyth ony sic worschipfull kyng as yhe are. . . . Hee, almychty prynce, the Haly Gast yow haff in his yhemsall [in himself] cuermar.—Wrytyn at Eddynburgh, vnder my selle, the xxvi. day of Julii.

JAMES OF DOUGLAS, WARDANE OF THE MARCHE.²

“*To ane excellent and a mychty
prynce, Kyng of Inglande.*”

One of the best known Scottish knights at this time was Sir David Fleming of Biggar and Cumbernauld, son of

¹ *Exchequer Rolls*, iii. 567, iv. 113, 115, 193, 216, 244, 270, 296, 301, 365.

² *Fraser*, iv. 67.

that Malcolm Fleming who, in 1372, had sold the earldom of Wigton to Archibald the Grim. He had acted as bailie or steward on part of the Douglas lands, and the relations between the two families seem to have been quite cordial, until offence arose out of the following circumstance. Isabella, Countess of Douglas and Mar, bestowed upon Archibald Douglas, the illegitimate son of her brother [xii.], the barony and lands of Cavers. But because this had been done without the King's consent, Robert III., shortly before his death, cancelled the gift and conferred the barony and its concomitant office of Hereditary Sheriff of Roxburgh upon Sir David Fleming [August 1405].¹ The Earl of Douglas [xvi.] was in captivity in England at that time, so his kinsman, James the Gross, undertook to wipe out the affront in blood. He chose his opportunity in February 1406, when Fleming was returning from North Berwick, where he had been seeing the Scottish Crown Prince off on the voyage which ended in his capture by the English. Douglas lay in wait for the knight and attacked him as he rode with his following across Lang Herdmanston Moor. Sir David Fleming was slain, and his company dispersed and captured; yet this feud must have been more quickly healed than most of its kind, seeing that Sir David's son, Malcolm, was the only friend with the 6th Earl of Douglas and his brother when they were entrapped by Crichton.

The possessions of James the Gross were very extensive, including Balvany, Bocharm, etc., in Banff; Avoch, Edderdar, Stratherne, and Brachly in Inverness-shire; Aberdour and Rattray in Aberdeenshire; Kilmalaman and one-third of Duffus in Elgin, and Abercorn in Linlithgowshire, all which he probably received from his brother. Besides these, in 1425 King James confirmed him in possession of Strathavon or Avondale, and Pettinain in Lanarkshire, and Stewarton in Ayrshire.²

In 1437 James Douglas was created Earl of Avondale, and appointed Justice-General of Scotland. In this favour

¹ Fraser, i. 434, quoting charter at Cavers.

² *Ibid.*, i. 437-438.

Slaughter of
Sir David
Fleming, 14th
February
1406.

may be traced the hand of his nephew, the 5th Earl of Douglas [xvii.], who, it will be remembered, became Regent of Scotland in that year. As a judge his progress on circuit was not without inconvenience, even to some of his own kin, seeing that Egidia Douglas, Countess of Orkney, complained bitterly to the Council [May 1438] of the spoliation of her lands of Nithsdale by persons in the

Created Earl
of Avondale
and Justice-
General of
Scotland,
1437.

justiciar's following. The Council promised her redress in the next Parliament, and assured her that her rights should be respected in the meanwhile. To this she replied bluntly that if any attempt were made to hold another court upon her lands she would stop the proceedings.¹



Fig. 23.—Justiciary Seal of James, 7th Earl of Douglas (1440-1443).

There is only one public appearance recorded of James the Gross after he became chief of the house of Douglas, namely, at a General Council in Edinburgh in April 1441.² He had

grown so unwieldy that he probably lived very much retired.³ He died at Abercorn, 24th March 1443, and was buried in St. Bride's of Douglas, where his tomb remains, with his recumbent effigy thereon, and those of his six sons and four daughters.

James, 7th Earl of Douglas, married, first, a daughter of Robert, 1st Duke of Albany, whose name, by caprice of the chroniclers, has not been recorded. She died about

¹ Fraser, i. 440, quoting original protest at Crookston.

² *Acts of Parl. Scot.*, ii. 56.

³ Of this earl's huge bulk some idea may be had from the statement in the *Auchinleck Chronicle*: "To the takin [token] thair said he had in him four stane of talch [tallow] and mair."



*Monument of James "the Gross"
7th Earl of Douglas,
in St. Brides Church of Douglas.*



In diebus inter predictos d'auvium & d'ouuam
 d'us billis primogenitus & heres dicti (genati
 d'ni iacobi successit ad totale hereditate p'dicti iacobi
 frater magistri de douglas archbaldus iacobus
 comes : amirade hugo q'mlgens comes o'ardie
 iohes quibgenus d'ns de balbamburg de douglas
 le froyens merxeta b'roz d'ni de daukayet Beaf
 b'roz d'ni de lahaye stabularii loacie joneta d'ordm
 de b'roz & de romnald' et iabeth de douglas stabularii & cetera

*Armorial bearings & inscription
 on the Monument of James "the Gross"
 7th Earl of Douglas.*

1424 without issue, and before March 1426¹ the earl married Beatrix St. Clair, daughter of Henry, Earl of Orkney, by whom he had ten children—

- (1) William [xx.], who succeeded as 8th Earl of Douglas.
- Twins. { (2) James [xxiv.], who succeeded as 9th Earl of Douglas.
 (3) Archibald [xxi.], who became Earl of Moray.
- (4) Hugh [xxii.], created Earl of Ormond in 1445.
- (5) John [xxiii.], lord of Balvany.
- (6) Henry, Bishop of Dunkeld.²
- (7) Margaret, married Henry Douglas of Borgue, in Galloway,³ and had three sons, Hugh, James, and John.
- (8) Beatrix, married Sir William Hay, Constable of Scotland and 1st Earl of Errol.
- (9) Janet, married Robert, 1st Lord Fleming of Cumbernauld, son of Sir David Fleming, whom her father slew on Lang Herdmanston Moor.
- (10) Elizabeth, said to have married Sir John Wallace of Craigie.⁴

The Countess of Douglas never married again, but lived to be forfeited for her share in the rising of her sons against James II.

¹ On 7th March 1426 James I. granted lands to James Douglas of Balvany and Beatrix, his spouse, in conjunct-fee.—*Registrum Magni Sigilli*, ii. No. 39.

² Godscroft says that when the 8th Earl went to Rome in 1450 he picked up in Paris his youngest brother George, who was at school there, intending to take him to Rome, but that he died on the journey. This George, however, is not mentioned on the inscription upon his father's tomb.

³ Godscroft says she married Douglas, Lord of Dalkeith, and this corresponds with the inscription on the tomb in St. Bride's—*Margrēta uxor dñi de Hankayēt*; but Sir W. Fraser observes that Henry Douglas may have acquired some right over Dalkeith during his brother's insanity [*Douglas Book*, i. 445], and in 1474 Henry's eldest son Hugh renounced all right over the barony of Dalkeith, in favour of the Earl of Morton, by a deed attested by his brothers James and John [*Morton*, ii. 222]. Margaret drew her terce from the lands of Borgue and others in Annandale after her husband's death, albeit Borgue was forfeited in 1455.

⁴ Sir William Fraser says that no confirmation has been obtained of the marriages of Janet and Elizabeth. On the sepulchral inscription in St. Bride's, Janet is mentioned as *Joneta uxor dñi de biggar et comnauld*, whereas Elizabeth is only styled *quarta filia*.

CHAPTER VIII

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WILLIAM, eldest son of James the Gross, had been knighted at the tender age of five years, on the occasion of the



W. H. Stiles

Bothwell Castle

1845

baptism of the twin sons of James I. In his person the house of Douglas was destined to recover all and more than its pristine power and splendour, the result as much of William's personal influence over King James II. as of his prudent marriage with his second cousin the Fair Maid of Galloway, namely, Margaret, daughter of the 5th Earl of Douglas [xvii.]. By this marriage the earldom of Wigtown and the lordships of Galloway and Bothwell became reunited with the entailed possessions of the chief of Douglas, whereby the effect of Crichton's murder of the two sons of the senior line was annulled.

Immediately after his succession to the earldom William Douglas, being then eighteen years of age, presented himself at Stirling to do fealty to his King, aged thirteen [April 1443]. If Boece, by a rare accident, has described the truth, the gallant young earl made such a favourable impression upon his liege lord that he was appointed at once Lieutenant-General of the realm. History, silent or exasperatingly contradictory upon a thousand points one would like to have cleared up at this period, presents no reflection of Chancellor Crichton's grimace as he viewed the rise of this new star, and foresaw in its projected union with the Fair Maid of Galloway a new dawn of all that effulgence which by his own violent act he had quenched. But Livingstone, still the King's guardian, was fairly a match for his sometime confederate Crichton. He perceived endless advantage to his own faction in the powerful combination to be brought about by the coming alliance, for the Maid of Galloway's mother had married his grandson, Sir James Hamilton. Meanwhile, being stricken in years, he handed over the King and Stirling Castle to the keeping of his son, Sir James Livingstone.

Douglas wasted no time in preliminaries. It sounds a thing incredible in modern ears that the whole of the royal forces should have been entrusted to the command of a lad of eighteen; yet so it was, and on 20th August

xx. William,
8th Earl of
Douglas, 2nd
Earl of Avon-
dale, Lord of
Galloway,
etc., 1424-1452.

Is appointed
Lieutenant-
General,
April 1443.

1443 Douglas laid siege to Crichton's castle of Barn-
 ton, where Andrew Crichton held command.
 Douglas wages war upon Crichton, 20th August 1443. Douglas beleaguered the place four days and four nights; on the fifth day he unfurled the royal standard, when the garrison capitulated and the castle was razed.¹

At the Parliament of 4th November following, Crichton, having been summoned to answer a charge of treason, was conspicuous by absence. He, if any one, knew what justice meant in the case of members of the Opposition, and he occupied himself instead by raiding the property of Douglas in Abercorn and Strabrock. In November the General Council at Stirling decreed that all the family and adherents of Crichton should be put to the horn.²

Douglas and the Maid of Galloway were married in 1444 amid great rejoicings.³ The bridegroom's brothers, Archibald and Hugh, were created respectively Earl of Moray and of Ormond, and John received the lordship of Balvany. Nor were the Livingstones overlooked—Sir James Hamilton being made a lord of Parliament, whereby Douglas's political power was considerably increased.

Marries the Fair Maid of Galloway, 1444.



Fig. 24.—Seal of William, 8th Earl of Douglas (1443-1452).

Meanwhile another branch of the Douglas tree had to be reckoned with. James Douglas, 3rd Earl of Angus [xli.], grandson of George, 1st Earl of Angus, who was a son of William, 1st Earl of Douglas [xi.], wielded feudal authority only inferior to that of the chief of the senior line. He held his headquarters

in Tantallon Castle, that mighty pile which Murdoch,

¹ *Auchinleck Chronicle*, p. 36.

² *I.e.* proclaimed outlaws.

³ Boece, of course, does not miss this opportunity for misstatement, but states that the marriage took place in the lifetime of James the Gross. The Papal dispensation for it is dated 24th July 1444.

Duke of Albany, had built on the brink of the North Sea, and thither he withdrew from King James's Court in 1443 and joined Crichton in resisting the royal forces. The origin of the feud thus set afoot between the Black Douglas of Douglasdale and the Red Douglas of

Angus is very obscure, but perhaps it is not wrong to trace it to jealousy of the rapid advancement of young Earl William. At all events the quarrel began with spirit; Angus is said to

Feud between
the Black
Douglas and
the Red, 1443.

have supported Crichton in his raid upon Strabrock and Abercorn, which Fleming of Biggar avenged on behalf of his brother-in-law, Earl William, by a destructive incursion upon the lands of Angus about North Berwick. Fleming, however, was captured by the angry proprietor and put in durance at Tantallon.

Next, Bishop Kennedy of St. Andrews, a warm Crichtonian, came on the scene and "cursit solempnitlie with myter and staf and buke and candill contynually a yer,"¹ the subjects of this excommunication being the 3rd Earl of Crawford, Livingstone the King's guardian, the whole race of Ogilvys, Hamilton of Cadzow, and others of the party of Douglas, because they had plundered the church lands of St. Andrews. Prelates were generally adept at cursing, but it was seldom that their execrations were so dramatically effective as in this instance. Crawford's son, afterwards the "Tiger Earl," was justiciary of the monastery of Arbroath. Him the monks deposed, exasperated out of measure by his oppression, and appointed Ogilvy of Innerquharity, which brought the Lindsay clan about their walls with fire and sword. Crawford interposed, anxious to keep the peace, but received a mortal wound in the attempt. The Lindsays carried the day and expelled the new justiciar, who sought refuge with his cousin, the widowed Countess of Crawford, in the castle of Finhaven. The bereaved dame sought—and no doubt found—some solace by causing the fugitive to be smothered to death.

This took place in January 1446, but Angus had already

¹ *Auchinleck Chronicle*, p. 39.

been summoned before Parliament [June 1445], which had adjourned from Perth to Edinburgh, where Douglas was besieging Crichton in the castle. Angus, far too wary to run his head into *that* noose, sulked at Tantallon, while decree of forfeiture was pronounced against him for rebellion.¹ When Crichton heard that his principal champion had been thus disarmed he capitulated to Douglas, made submission to the King, and was restored to the Chancellorship. Angus probably came in upon easy terms at the same time, and all parties made show of reconciliation.

For the next three years the Earl of Douglas does not appear in any public event, but seems to have divided his time between his castles of Newark, Thrieve, and Douglas, settling disputes between his vassals and attending to the ordinary duties of a feudal lord.² It was probably in mid-winter 1448 that he assembled the oldest freeholders and dwellers on the Border at Lincluden and collected from them



Fig. 25.—Seal of William, 8th Earl of Douglas (1443-1452).

their version of the Border laws instituted by Archibald the Grim [xiii.], which laws he set in proper form for future observance.³ It is but another instance of the perplexing relations between parties at this time that Crichton, being sent on an embassy to France to renew the ancient alliance and to arrange the marriage of King James with Marie of Gueldres, was employed by Douglas to press his claim,

Douglas
claims the
Duchy of
Touraine,
1448.

¹ *Acts of Parl. Scot.*, ii. 59.

² Fraser, i. 460, 461.

³ *Acts of Parl. Scot.*, ii. 64.

and that of his aunt, the widow of Archibald, 4th Earl of Douglas [xvi.], upon the revenues of the Duchy of Touraine. Charles VII. repudiated all liability, reminding the claimants that the grant of the duchy had been made to the heirs male of Archibald Douglas, Duke of Touraine [xvi.], and that the Earl of Wigtown [xvii.], son of the said Archibald, had never done homage for the duchy, which had been bestowed upon another. He expressed great affection for the house of Douglas, deplored the calamity which had befallen it at the battle of Verneuil, but the fortune of war must be borne as God should choose to send it. He did not undervalue the services of the Scots nobles, he said, but the depredations of their followers upon his subjects ought not to be left out of account!

About this time Dundas of that ilk appears as a rebel, holding his castle against the King. When it surrendered the contents were divided between the King, Douglas, Crichton, and their friends. The building was demolished, and Douglas was rewarded by a cante of the forfeited lands, to wit, half of Echlin, Dalmeny, and Dundas.

It was probably in the spring of 1449 [a twelvemonth's margin one way or the other has to be allowed to many dates of this period] that affairs on the Border passed into an acute phase. It was a time of truce, to be sure,¹ but the perennial feud between the houses of Douglas and Percy was of too old standing to be greatly affected by mere international circumstances. Were not Douglas and Percy near neighbours?—what should be expected of them but that they should each raid the lands of the other when occasion served? for so neighbours who knew their business did always use. So young Percy and Sir Robert Ogle burned Dunbar in May; the Earl of Salisbury did the like to Dumfries in June. Next, Douglas, with his brother Ormond, made a dash for Alnwick, left it in ashes, returned a few weeks later and reduced Warkworth to the same condition. Oh, it was glorious!—life stretched out in grand vistas before these two earls, who

Renewal of
Border warfare,
1449.

¹ Ten years of truce had been proclaimed on 18th May 1444.

between them could reckon some five-and-forty summers at most. For their poorer vassals and tenants, perhaps, the prospect was not quite so enchanting.

Douglas was back in Stirling in time for the King's marriage, which was celebrated on 3rd July 1449. Great rejoicings took place around the war-worn fortalice on the Forth. At a great tournament which was held in the King's Park, the French chronicler De Coussy asserts that the Earl of Douglas was present with 4000 to 6000 men; but as he was Lieutenant-General of Scotland, these may have been royal troops.

And now the mystery deepens; there befel what the Auchinleck chronicler can only describe as "a gret ferlie [marvel]." Douglas and Livingstone had been closely allied against Crichton, who had regained office and royal favour, chiefly, it may be assumed, through the influence of Bishop Kennedy. Suddenly King "James with the firy face," aged nineteen, and scarcely two months married, turned savagely upon the Livingstone faction, clapped in prison his guardian Sir James, with his father and his two sons—three generations of them. Parliament, meeting in January 1450, forfeited all the Livingstone lands and sent the two sons of Sir James to the scaffold. Sir James himself managed to escape from Blackness Castle, and found refuge with his son-in-law the Earl of Ross, Lord of the Isles.

Douglas deemed it no shame to profit by the fall of his sometime colleague and confederate, receiving the lands of Culter and Ogilface in Lanark forfeited by Livingstone, besides a further slice of Dundas territory in the shape of Blairmakkas in the same county.¹

In all this dark work historians have traced the hand of Bishop Kennedy of St. Andrews, who had acquired great ascendancy over the King, and to whose influence the restoration of Crichton must have been mainly due. Having destroyed the Livingstones, he turned his hand to curbing the power of Douglas [Crichton, one may assume,

¹ *Reg. Magni Sigilli*, ii. 316, 317, 357.

being nothing loth], and probably was at the bottom of the earl's journey to Rome, on a safe-conduct extending over three years, in order to attend the Papal Jubilee. Up to this time, November 1450, Douglas continued in full favour with the King, and was by far the most powerful subject of the Crown. He remained constantly at court, and appears as witness to nearly every royal charter of the period.¹ But no sooner was his back turned than sinister agencies began to work against him. He sailed in a ship commanded by one Hugh Brok,² having in his suite his brother James, Master of Douglas, the Lords Hamilton, Graham, Saltoun, Seton, Oliphant, besides six knights, fourteen esquires, and eighty men-at-arms.³

Douglas left one of his brothers to administer his estates during his absence; but he had not been long in Rome ere disquieting home-news hastened his return to Scotland. William Turnbull, Bishop of Glasgow, had joined the Kennedy-Crichton league against him,⁴ and, either through this agency or because of maladministration by Douglas's representative, great disorder had arisen among the earl's vassals. The King collected troops and proceeded to restore peace by making war upon the Douglas lands, levelling Crag Douglas, a stronghold on Yarrow, to the ground. Pitscottie and Boece, holding briefs against the Douglas, account for all this by charging the earl with cruelty and oppression. The earl was no more than five-and-twenty, and it was only in accord with the many examples of feudal sway that his rule over those vast estates should have been marked by some tyranny and injustice. But there are two sides to every question; the Auchinleck chronicler represents the other side of this one when, after telling of Douglas's return from Rome and his restoration to the King's favour, he adds that "all gud Scottis men war rycht blyth of that accordance." Upon his reconciliation with the King, Douglas surrendered all his possessions

¹ Fraser, i. 465.

² *Exchequer Rolls*, v. 439.

³ *Reg. Magni Sigilli*, 301, 340.

⁴ Law's MS., quoted by Fraser, i. 467.

Douglas
travels to
Rome, No-
vember 1450.

and received a fresh grant of them, confirming them to himself, his four brothers and their heirs male. The details of lands thus dealt with, as set forth in the charters, convey some idea of the great extent of this young noble's possessions.¹ It is to be noted that these are quite independent of the estates of his brothers, the Earls of Moray and Ormond and the lord of Balvany. There is a curious absolving clause to the effect that Douglas is to enjoy his lands as fully and freely as did his predecessors, *notwithstanding all crimes committed by him or his uncle the deceased Earl Archibald*. It is not to be supposed that the King read everything that he signed, albeit he certainly possessed more schoolcraft than many exalted personages of his time. May one discern the finger of Bishop Kennedy, or Bishop Turnbull, or Chancellor Crichton in the suggestion conveyed by this uncomplimentary paragraph?

Deeper and darker grows the gloom after this gleam of radiance. Boece and Pitscottie vie with each other in piling up evidence against Douglas to account for and justify his approaching doom. Boece laboured at what he wished to be taken as history seventy years after the days of this Earl of Douglas; Pitscottie about five-and-twenty years later than Boece: yet Pitscottie managed to collect some stories to Douglas's discredit which find no place with Boece. Upon such evidence who would hang a mouse?

¹ *Reg. Magni Sigilli*, ii. Nos. 463, 464, 466-477, 474-482, 503, 504.

County of Lanark.—The earldom and castle of Douglas, with the ferm of Ruglen; the lordship and castle of Bothwell, with Cormannock; the sheriffdom of Lanark; Culter and Craufordjohn.

County of Ayr.—Trabreath, Stewarton, Dunlop.

Counties of Selkirk and Peebles.—The Forests of Etrick and Selkirk, Glenwhim; Lauderdale, with Romanno and Kingsmeadow.

Galloway.—The whole lordship of Galloway, east and west; the earldom of Wigtown; the castles of Thrieve, Preston, and Buittle.

Roxburghshire.—Brondon, Sprouston, Bedrule, Smailholm; Eskdale, with Stablegorton.

County of Linlithgow.—The barony and castle of Abercorn.

County of Haddington.—Bolton.

County of Aberdeen.—Aberdour, and the castle and rock of Dundarg.

yet rests on no better foundation the widely credited legend of the fate of Maclellan of Bombie. It runs that Maclellan, having incurred the displeasure of the Black Douglas, was confined in Douglas Castle.¹ Sir Patrick Gray, Maclellan's uncle, arriving with the King's order for Maclellan's release, was hospitably entertained at dinner by the earl. While they sat over their wine, Maclellan, in accordance with Douglas's commands, was beheaded in the castleyard. Upon similar evidence—that is, none whatever—rests the story of the hanging of Sir Herbert Herries of Terregles for raiding in Annandale. Heaven knows, there is enough of well-authenticated horror in the story of these times, and nothing improbable in the nature of these alleged outrages; but who would care to found upon charges which have no more real weight than tavern gossip? If, as alleged, the Earl of Douglas was present with the King at Edinburgh on 26th December 1451 and 13th January 1452, that would seem inconsistent with his being under the King's displeasure because of the butchery of Maclellan.

It is tolerably clear, however, albeit there is no written proof thereof, that Douglas had entered into a close league of friendship with the "Tiger" Earl of Crawford, for purposes defensive and, should need arise, offensive, and that Crichton and the bishops persuaded the King that such a formidable alliance was a menace to the dynasty. In what followed it is safest to accept the account of the nearest contemporary chronicle, written apparently with no bias either way.² Early in February Sir William Lauder of Hatton, a friend of Douglas, though himself under sentence of forfeiture, brought a summons to the earl to attend the King at Stirling. There was abundant precedent for suspicion in a mandate of this nature, but, as if to allay it, Lauder brought a safe-conduct for Douglas given under the King's hand in council. Accordingly, the earl rode to Stirling,

League with
the Earl of
Crawford,
1451.

¹ So Pitscottie; other and later writers lay the scene in the Thrieve.

² *Auchinleck Chronicle*.

was graciously received by the King, and bidden to dine and sup on the morrow. He heard men talking of his league with the Earls of Crawford and Ross, and probably divined what was in the air; nevertheless, he boldly presented himself at King James's table.

Dinner passed quietly, and was followed by supper, all present, it may be supposed, having taken quite as much wine as was good for anybody. After supper, at seven o'clock, James of the Fiery Face beckoned Douglas into an inner chamber desiring to confer with him. The interview was a short one; the subject, it is supposed, being the league with Crawford—the King demanding that Douglas should dissolve it. Douglas declared either that he could not or would not do so, upon which the King rushed on him, exclaiming: "Then if you will not, this shall!" and struck him with his dagger in the collar and down the body, Sir Patrick Gray finishing the bloody work with a stroke from a pole-axe. Darnley, Boyd, Glendinning, Cranstoun, and Stewart were at hand also, each making officious display of loyalty by stabbing the corpse.

About the motives for this crime have been many speculations. The most probable explanation seems to be that Crawford, if not already in rebellion, was on the brink thereof. The very existence of the monarchy appeared to James to depend on breaking up the formidable combination between the two earls; perhaps, in fact, it did so depend. Should Douglas refuse to throw over his ally he was doomed; innocent or guilty, he had enough enemies about the King to ensure the Crown a verdict if he were tried for high-treason. The King, heated by wine, was carried away by a gust of passion, anticipating the slower process of justice. All this is not hard to decipher. Remains—the safe-conduct. Whether Douglas should be struck down in hot blood or arrested for formal trial equally involved a breach of the kingly honour; but was there in effect a safe-conduct? Undoubtedly one had been granted. Crawford's rebellion was not put down till 18th May, which afforded

Murder of
Douglas, Feb-
ruary 1452.

excuse for Parliament not to examine the case against the King till 12th June. Then they went into it, and, with uneven logic, pronounced James guiltless, because on the day before his death Douglas had publicly and contemptuously renounced the protection; because he had been guilty of oppressions, and had entered into conspiracies; and because he had brought about his own death by resisting the King's request for aid against rebels. Douglas had scorned to avail himself of the safe-conduct, leaving it at home, where



Fig. 26.—Seal of James, 9th Earl of Douglas (1452-1488).

his brothers found it afterwards, and boasted that the King dared not do him injury.

The only shadow of excuse for King James is one to which recourse must often be had to screen the crimes of Scottish statesmen, namely, that the condition of the realm was so desperate that it required some *deus aut diabolus ex machina* to redeem it. The anarchy was so complete that James saw no way to maintain rule save by putting down such of his subjects as approached him in power, striking, in short, according to the old Cæsarean maxim, at the tallest heads. At the same time, he thought it

expedient to send a special messenger to King Charles VII. of France with his own account of what had taken place—

“To explain clearly to your most Christian Majesty recent events in our realm, and notably concerning the death of the late William, Earl of Douglas, and other matters concerning arms and munitions, we have sent our distinguished and confidential esquire, John Addal.”¹

The remains of the Earl of Douglas were interred at Stirling. He left no children by his wife, the Fair Maid of Galloway, who afterwards married under dispensation her brother-in-law, James, the 9th and last Earl.

We must now retrace our steps to 1445, when Archibald and Hugh, brothers of the 8th Earl of Douglas, were ennobled, and John became Lord Balvany.

James and Archibald, the second and third sons of James the Gross [xix.], were twins, of which their mother declared that James was the elder.² During the lifetime of his brother, the 8th Earl, James was known by the ancient style of Master of Douglas. Archibald, having married Elizabeth, daughter and co-heiress with her elder sister of James Dunbar, Earl of Moray, received, on 26th April 1452, sasine of the lands of Kintore. The sisters Dunbar resigned these lands, and by a peculiar entail, in which Sir William Fraser discerns the deliberate intention of the Douglas family to annex the carldom of Moray,³ the elder sister, Janet Dunbar, was set aside, and the succession resettled on the heirs of Archibald, whom failing on Archibald's brothers and their heirs, whom failing upon the heirs of Archibald's wife Elizabeth.

During his eldest brother's lifetime Moray took no active part in public affairs, being of a peaceable disposition, without ambition or taste for war. Nevertheless, he attended pretty regularly in successive Parliaments from 1445 to 1450. The next two years he spent chiefly, if not entirely, in the north, adding to and beautifying his castle of Darna-

¹ *Letters and Papers*, i. 315.

² *Reg. Magni Sigilli*, ii. No. 301.

³ *Fraser*, i. 447.

way, where he built the great hall, which was long believed to be the work of a more famous Earl of Moray, Thomas Randolph, nephew of Robert the Bruce. It was at Darnaway that the priest Richard Holland composed his uncouth poem, *The Buke of the Howlat*,¹ in which Pinkerton fancied he could detect an elaborate allegory, uncomplimentary to King James II., but which Sir Walter Scott pronounced to be no more than “a poetical apologue, upon a plan used not only by Chaucer but by many of the French minstrels, without any view whatever to local or national politics.”

The poem was written, the bard tells us, to please the Countess of Moray—

“Thus for ane dow² of Dunbar drew I this dYTE,³
Dowit⁴ with ane Dowglas, and haith war thair dowis.”⁵

But indeed her ladyship’s critical faculty cannot have been fastidious if she derived much pleasure from the piece. It describes, in excruciatingly alliterative lines, the successful attempt of the owl, by the help of other birds, to move the peacock, as pope among feathered fowl, to relieve him of his ignominious form. The verses, perhaps, are no worse than those of other Scottish “makaris” of the period, but their chief interest consists in the introduction of an elaborate panegyric on the house of Douglas. Few people might be able offhand to give the original reference for the well-known phrase, “Douglas, Douglas, tender and true!” It comes from the following stanza:—

“Off the douchty Dowglas to dYTE⁶ I me dres;
Thar armes of ancestry honorable ay,
Quhilk oft blythit the Bruse in his distres,
Tharfor he blissit that blud bald in assay.⁷
Reid the writ of thar werk to your witnes,
Furth on my matir to muse, I muse as I may.
The said persewantis⁸ gyde was grathit⁹ I ges,
Brusit with ane grene tre, gudly and gay,

¹ Printed for the Bannatyne Club, 1823. The poem was composed, or at least finished, in 1453, after the murder of the Earl of Douglas.

² Dove.

³ Ditty.

⁴ Mated.

⁵ Doves.

⁶ Indite.

⁷ Bold in action.

⁸ Pursuivant’s.

⁹ Harnessed, girthed.

That bore branchis on breid blythest of hewe;
 On ilk beugh til embrace
 Written in a bill was,
 O Dowglas, O Dowglas, tendir and trewe."¹

The tranquil life at Darnaway was rudely disturbed by the tragedy at Stirling, and Moray behoved to unfurl his banner, muster his vassals, and exact vengeance, even from the King himself, for the mortal injury done to his house. Huntly, as the King's "luftennend,"² was out against the rebel Crawford; Moray took what lay nearest his hand, and harried Huntly's lands of Strathbogie. Huntly encountered Crawford at Brechin on 18th May, and defeated him in the "battle of the Billmen," then hurried north to chastise Moray. Coming to the town of Elgin, he found the burgesses and townspeople about evenly divided, one-half being for the King and himself, the other half for Moray, parties being separated only by the breadth of a street. He burnt Moray's part of the town, "and hereupon," says Godscroft, "arose the proverb—'Half done, as Elgin was burnt.'" Moray watched the fire from a strong position on the Drum of Pluscarden, two or three miles distant, whence at first he wisely refused to move, although Huntly was wasting his farmlands before his eyes. But, watching his opportunity, he fell upon a body of four or five hundred horse which had dispersed in the business of plunder, and drove them into the Bog of Dunkinty, near Pittendreich, whence very few escaped alive—

Defeats
 Huntly at
 Dunkinty,
 May 1452.

"Where left thou thy men, thou Gordon so gay?
 In the bog of Dunkinty, mowing the hay."

For this escapade Moray was forfeited, and his earldom was conferred upon his brother-in-law, the Chancellor's eldest son, Sir James Crichton of Frendraught, who was the husband of Janet Dunbar, the disinherited co-heiress of March. But Crichton drew no

Forfeiture of
 Moray, 1452.

¹ *Buke of the Howlat*, stanza xxxi.

² *Auchinleck*, p. 48.

substantial profit from the earldom, for in August of the same year came the temporary reconciliation of the Douglasses with the King, after which there is evidence to show that Moray was in full enjoyment of his possessions.¹ The subsequent acts of the Earl of Moray, until his death on 1st May 1455, will be more conveniently told under the memoir of the 9th Earl of Douglas. Elizabeth, Countess of Moray, must have had a keen eye for business; nineteen days only after her husband had fallen at the battle of Arkinholm she made a contract of marriage with the Earl of Huntly's eldest son, whom she married, thinking to convey her first husband's earldom to his ancient foe. But the project miscarried; the earldom was forfeited to the Crown; the heartless Gordon divorced Elizabeth on a plea of consanguinity, and in 1459 married Annabella, sister of James II.² Elizabeth sought consolation in a third marriage with Sir John Colquhoun of that ilk and of Luss, which took place about 1462. By her marriage with Douglas, Earl of Moray, she had two children, James and Janet, of whom nothing is known.³

xxii. Hugh Douglas, Earl of Ormond, c. 1429-1455.

When Hugh Douglas, fourth son of James the Gross, and twin brother of Archibald, Earl of Moray [xxi.], was created Earl of Ormond in 1445, he cannot have been more than sixteen years old. He derived his title from part of the barony of Ardmannoch, bestowed upon him by his eldest brother, William,



Fig. 27.—Seal of Archibald Douglas, Earl of Moray.

¹ *The Chiefs of Grant*, by William Fraser, iii. 22.

² From whom also he was divorced in 1471. He married a third time, in 1476, Elizabeth, widow of Andrew, 1st Lord Gray.

³ Fraser, i. 450.

Earl of Douglas, together with the lands of Avoch, Brachly, and Petty in Moray; Rattray, Aberdour, and Crimond in Aberdeenshire, and Dunsyre in Lanarkshire.¹ His name appears as sitting in Parliament in 1445 and 1449, between which dates, or probably in the latter year, he sought distinction in the manner traditional with young chevaliers [and old ones too, for that matter] of his race, by performing an exploit upon the English.

With a light heart, therefore, Ormond joined his brother's expedition against the Percys in the summer of 1449,² and in the autumn of that year won a well-fought battle on his own account. Percy, eldest son of the Earl of Northumberland, marched after harvest with 6000 men to avenge the injury done upon his lands, and encamped on the banks of the Sark, near Gretna. Ormond's scouts brought word as to their whereabouts, and the young earl immediately prepared to attack them. Percy, who had a contingent of Welshmen with him, recalled all his foragers in good time and stood upon his defence. Ormond advanced in three columns. The centre he kept in his own command; his right was under Wallace of Craigie, "ane nobill knyght of sowerane manheid"; while in command of the left were Herbert, Lord Maxwell, and the Laird of Johnston, two chiefs whose clans were soon to be at mortal and memorable feud.

Boece and Pitscottie would have blushed to record a general action without a verbatim report of the commander-in-chief's speech. Accordingly, they put one of more than common bombast to Ormond's credit, and then proceed to describe the combat. The English archery fire staggered the Scots attack; fortunately, Wallace was ready with a long and eloquent speech [reported as usual by our faithful chroniclers], whereby "his men was sa inrageit and ruschit sa furieously wpon the Inglisch wangaird with exis [axes] speiris and halbertis" that Magnus Redbeard's

¹ *Exchequer Rolls*, vi. 162, 212, 265.

² The *Auchinleck Chronicle* puts it in October 1448.

Battle of
the Sark, or
Lochmaben-
stane, 23rd
October
1449 [?].

men broke and fled. Magnus¹ himself, a redoubtable leader, was slain; the panic spread and great slaughter followed, many of the English perishing in the estuary of the Sark, in which the tide was at flood. The English lost, it is said, about two thousand men; Percy was taken prisoner with many others, which brought to the captors "sic abundance of riches, silluer, and gold gottin in the feild that never was the lyke sene in na mans tyme befoir. The spoillzie was partit [divided] amangis the Scottismen efter the rait of airmes."² The Scots counted their loss in slain at 600; Wallace of Craigie dying afterwards of his wounds, for "the battel was fouchin witht great cruelltie."

Young Ormond won great renown by this exploit, being "tretit and bankitit [banqueted] witht the kingis maiestie witht great magnificence," and Pitscottie reports a long after-dinner "harring" [harangue] in which the King besought the brothers Douglas to observe "quhat honour comes throw wyse and seage counsall be the hie felicitie and renoune that chanches to all subiectis quhene they ar rewlit gladlie and wnder the obedience of ane king," and exhorted them to good behaviour in future.³

Sir William Fraser thinks that Godscroft is right in stating that, when William, Earl of Douglas [xx.], and his brother James, went to Rome in 1450, Ormond was left in charge of the estates, and not John of Balvany, as Boece and Pitscottie make out. John was very young at the time, probably not twenty; his elder brother, Moray, was busy building and encouraging literature in the north; Ormond, the next in age, had distinguished himself at the battle of the Sark, and it was he, most likely, who ruled in the earl's absence, and must bear whatever is true in the censure bestowed by the last-named historians upon the administrator of Douglas.

¹ Not Redman, as Pinkerton opined. *Magnus rubente jubâ eques auratus* is Boece's description, which may be interpreted, "Magnus of the red 'mane,' or beard." Sheriff Mackay quotes a French MS. [Brit. Mus., *Vesp.* c. xvi. p. 41] as styling this unidentified knight *Barberouse le grand* [Pitscottie, ii. 347].

² Pitscottie, i. 76.

³ See Appendix B, p. 203, *The Battle of the Sark, or Lochmabenstane*.

In 1454, during the brief favour that gleamed upon the Douglasses before the final catastrophe, Ormond was Sheriff of Lanark;¹ in the following year he suffered on the scaffold, and his possessions were forfeited to the Crown.² He was married, though his wife's name is not known, and left a son, Hugh, who became Dean of Brechin, and executed indentures with the 5th Earl of Angus, in 1493 and 1496, whereby he bound himself to resign to Angus any lands not actually in the King's hands to which he might be heir, reserving to himself a liferent.³

John, fifth son of James the Gross, though not more than fifteen at most in 1445,⁴ was made a lord of Parliament in that year, under the title of Lord of Balvany. His possessions were the lands of Balvany, Boharm, and Botriphny, all in Banffshire. Boece mentions him as taking part with his brothers James and Hugh in their demonstration at Stirling against the King in 1452, and the following year he is named with his brothers in a safe-conduct to England.⁵ After that nothing is known about him till the battle of Arkinholm, 18th May 1455, where we have it on the authority of King James II., in his letter to Charles VII. of France, that John of Balvany was present and escaped into England. In the wholesale forfeiture of the Douglas lands which followed this defeat, John is specifically charged with having helped his mother Beatrix, Countess of Douglas, in fortifying Abercorn Castle against the King. He was included in the proclamation issued in July 1455 against his brother, the Earl of Douglas, prohibiting any assistance to be given to them or to their mother because of their treasonable dealings with the English.⁶ Nothing more is heard of John during the rest of James II.'s life; but after the death of that King

¹ *Exchequer Rolls*, vi. 160, 161.

² *Ibid.*, pp. 212, 265, 377, 465, 480, 524.

³ Fraser, iii. 159, 160.

⁴ In the *Buke of the Howlat* Holland speaks of him as quite a youth in 1453.

⁵ *Rotuli Scotie*, ii. 362.

⁶ *Acts of Parl. Scot.*, ii. 43, 77.

in 1460, Edward IV. being King of England, he joined his brother the earl on a mission from the English Council to stir up the Lord of the Isles to rebellion.¹ For this service King Edward granted him an annuity of £100 from the customs of Southampton,² and for two or three years thereafter he co-operated with his brother the earl in his schemes against the young King of Scotland. The Scottish Council set a price of 1200 merks upon his head, which brought about his capture in the summer of 1463. John Scott and eight others apprehended him in Eskdale, and conveyed him to Edinburgh, where he lay for twelve days in prison and was then beheaded. So far as is known, John of Balvany died unmarried.

John of Balvany and the Earl of Douglas treat with Edward IV., 1461.

Capture and execution of Balvany, 1463.

In 1447 James Douglas of Heriotmure [xxiv.], second son of James the Gross [xix.], entered into an agreement with his twin brother, Archibald [xiv.], to abide by their mother's decision as to which should be accounted the elder born. She declared under oath in favour of James, whereupon formal declaration was made of the same, and James was known thenceforward as Master of Douglas.³ James at this time cannot have been more than just of age, and two years later he accompanied his brother in the raid upon Alnwick. At the festivities to celebrate the marriage of James II., in July 1449, three Scottish champions, to wit, the Master of Douglas, John Ross of Halkhead, and James Douglas, brother of the Laird of Lochleven, encountered in the lists three cavaliers of Burgundy, namely, Jacques de Lalain, Sir Simon de Lalain, his uncle, and Hervé Meriadec, Lord of Longueville and squire to the Duke of Burgundy. Meriadec was antagonist to the Master of Douglas, and felled him with two blows of his axe. He recovered, however, and attacked Meriadec again, which displeased the King, who threw his baton into the lists to stop the combat.

xxiv. James, 9th Earl of Douglas, 3rd Earl of Avondale, Lord of Galloway, Bothwell, etc., c. 1425-1488.

¹ *Fœdera*, xi. 474.

² Bain, iv. 269.

³ *Reg. Magni Sigilli*, ii. Nos. 301, 355, 401.

Douglas's men, enraged at the fall of their master, broke into the enclosure; the King ordered them to be seized, upon which they took to their heels.¹

After returning from Rome with his brother, the earl, in 1451, the Master of Douglas passed into England under King Henry VI.'s safe-conduct, and spent some months in London upon business of which the nature is not known. Certain it is that he was in high favour at the English court, Garter King receiving orders to bring him to the



Fig. 28.—Seal of James, Master of Douglas, ante 1452.

King's presence, wherever that might be; and this has been held to imply treasonable dealings on the part of Douglas. There is certainly nothing, either in the character of Douglas so far as it is known, or in the course of events then immediately impending, to render such dealings improbable; but, as Sir William Fraser has pointed out,² the fact that Garter was commissioned

not only to convey the Master of Douglas to the Border, but also to convey letters from Henry VI. to James II., suggests that Douglas held a commission from King James in these transactions, which would, of course, make any treasonable action on his part doubly disgraceful. There is no proof whatever of any such treason, only sinister suspicion; and this suspicion, combined with the elder brother's league with Crawford, doubtless contributed to the fear which drove King James to the fatal deed of 20th February 1452.

The Master of Douglas was back in Scotland before 30th January 1452, as attested by his presence at a Justiciary Court held at Dunbar on that day; but neither he nor any of his other brothers, as alleged by Boece, attended

¹ *Chroniques de Matthieu de Coussy*, cited by Fraser, i. 479.

² Fraser, i. 480.

the earl upon his visit to the King in the following month, nor is there any authentic record of their movements until 17th March. Shortly before that the King was in the south, at Lochmaben and Jedburgh,¹ and he certainly was not in Stirling on the 17th, when James, now 9th Earl of Douglas, rode into that town accompanied by his brother Ormond and Lord Hamilton of Cadzow with 600 men. With blast of trumpet "they gaif the King wncomlie wordis," renouncing their allegiance, displaying the King's safe-conduct granted to their murdered chief, which they tied to the tail of a horse and dragged through the streets.² The castle was too strong for them, but they vented their wrath by burning as much as possible of the town. If, as Boece states, Douglas was summoned before the Parliament which in June absolved the King from blood-guilt, he treated the summons with disdain, having already offered his allegiance to the King of England, who, on 3rd June and 17th July, directed the Bishop of Carlisle to receive it in terms of certain articles signed by Douglas and carried to King Henry by Garter King.³ As if to emphasise the blood feud, Douglas sent emissaries to Rome to obtain the Pope's dispensation for his marriage with his brother's widow, the Fair Maid of Galloway. Instead of attending Parliament themselves, Douglas and Ormond attached their seals to an insulting document, in which they renounced their allegiance to King James as "ane blodie murtherar of his awin bloode . . . ane fallis [false] wngodlie thrister of innocent bloode . . . witht money wther contumulus sayingis wnworthie to rehearse."⁴ This cartel was affixed by night upon the door of St. Giles cathedral, or upon that of the Parliament House. The Bishop of Carlisle had no opportunity of fulfilling King Henry's commands. While King James forfeited the Earl of

The Earl of Douglas defies the King, 17th March 1452.

¹ *Reg. Magni Sigilli*, ii. Nos. 529-531.

² Thus destroying the most damning proof of the King's treachery. The act reminds one of that of the Irish rebels in 1798, who, it is said, thinking to do irreparable injury to the Bank of Ireland, burnt all its notes that they could lay hands on!

³ *Rotuli Scotiae*, ii. 358.

⁴ Pitscottie, i. 100.

Crawford, he displayed surprising clemency towards Douglas, probably recognising the great provocation he had given the young earl in the slaughter of his brother, and fully conscious of the obligation upon the earl, under all chivalrous custom, to avenge the same. He marched to Selkirk and Dumfries, indeed, to overawe the Douglas vassals, and, according to the Auchinleck chronicler, did as much damage to his loyal subjects as to others; but he accepted a submission, executed at Douglas Castle on 28th August 1452, whereby the Earl of Douglas, his brothers, and Lord Hamilton were received to the King's peace; the earl himself and Lord Hamilton swearing on the gospels to forego for evermore all malice and feud against any of the lieges for any cause, and specially against those who had taken part in the slaughter of his brother, William, Earl of Douglas.¹ On 16th January following, the earl, being then at Lanark, renewed his submission, and, in consideration of the King's good offices with the Pope in the matter of the dispensation for his marriage, gave a bond of manrent to the King, with renunciation of all leagues or covenants inconsistent with his whole service to the King. About the same time the Earl of Crawford made his submission, and King James, who, however liable to gusts of passion, was of a kindly and forgiving disposition, being "movit be the sade and drerie continance" of the said earl, received him to grace.

In the matter of the Papal dispensation for Douglas's marriage with his brother's widow, King James faithfully fulfilled his undertaking,² showing that on his part, at all

Douglas
makes sub-
mission to
King James,
28th August
1452.

¹ Copy by Godscroft, Hamilton Palace MS., quoted by Fraser, i. 483.

² Boece and Godscroft deny that this dispensation was ever granted, and denounce Douglas for having contracted an incestuous alliance. They also declare that the King opposed the application, but here, as elsewhere, they are completely at fault. The dispensation is printed in Andrew Stuart's *Genealogy of the Stewarts* (p. 444), and one of the reasons assigned for it is that Margaret's marriage with the 8th Earl had never been consummated. Further, in a safe-conduct granted by James II. to Douglas, on 22nd May 1453, he is styled Earl of Douglas, Wigtown, and Avondale. Earl of Wigtown he could not have been, unless he had already married his sister-in-law, heiress of the

events, the reconciliation was genuine. Not the less strange is it that Crichton, and especially Bishop Kennedy, should have failed to dissuade the King from assisting in restoring to James Douglas that dangerous degree of power which had been the cause of the elder Douglas's destruction, by furthering a marriage which reunited Galloway and Bothwell to the other Douglas estates. The Papal writ of dispensation is dated 26th February 1453, only a few days after the first anniversary of Earl William's slaughter. It assigns as the chief reason for permitting the marriage, that the feuds and rivalries between the barons of Scotland should be settled.

In April 1453 the Earl of Douglas, with other noblemen, proceeded to Westminster to negotiate a new truce with England, which was done on 23rd May, Douglas undertaking to proclaim the same in the Debatable Lands.¹ Thus all matters between Douglas and his King appeared to be amicably settled; bygones were to be bygones, for which there was much need on both sides: and the earl, still young, might look forward to many years of useful co-operation in the work of settling the kingdom and establishing those reforms for which King James had shown so much disposition and aptitude.

It was not to be. The book of the past held many chapters, and one of the last public acts recorded of this Earl of Douglas was the re-opening of one which could never be agreeable reading to a Stuart King. Malise Graham, Earl of Strathern, uncle of the Countess of Douglas, had been deprived of his earldom in 1427 by his cousin James I., on the pretence that it was a male fee. By way of compensation, King James had bestowed upon Malise

earldom. Doubt is thrown upon the validity of the marriage by reference to Margaret in 1456 [after the forfeiture] as the alleged wife [*asserte spouse*] of Sir James, formerly Earl of Douglas [*Exchequer Rolls*, vi. 205]; but on 24th March 1454 the earl granted a charter of lands to his kinsman and secretary, Mark Haliburton, coupled with an obligation to indemnify him should his Countess Margaret disturb him in possession of these lands. [Charter at Culzean, quoted by Fraser, i. 486.]

¹ *Rotuli Scotie*, ii. 362-368.

Marriage of Douglas with his brother's widow, 1453.

part of the ancient earldom of Menteith, but coupled it with the onerous condition of going to England as one of the hostages for the payment of his [James's] ransom. This payment, as we know, was never redeemed, and the luckless Malise had spent five-and-twenty of the best years of his life in durance at Pontefract. Now, just as Douglas had married the niece of Malise, so Lord Hamilton of Cadzow had married the mother of that niece, namely, Malise's sister, Euphemia, widow of the 5th Earl of Douglas. Douglas and Hamilton, then, thinking shame that their kinsman should languish longer in an English prison, jointly petitioned Henry VI. for his release. This was effected in 1453, on condition that Malise's eldest son, Alexander, should take his father's place in captivity. Surely nothing was more natural or desirable than that these two Scottish barons should exert themselves in regaining for their fellow-countryman his freedom—a pious act on the part of near kinsmen. Just so; but the affair had another aspect. James II. entertained no consuming desire for the restoration of Malise Graham to liberty. There had always been persistent doubts and rumours about the reality or validity of Robert II.'s marriage with his first wife, Elizabeth Mure, from whom the Stuart Kings descended; there were none whatever about the legitimacy of the issue of his second marriage, from whom Malise Graham descended. In the opinion of many, Graham's was the legitimate royal line.¹ Even if Douglas should be deemed of undoubted loyalty, the return of Malise Graham to Scotland boded no good to the house of Stuart.

This was not the only act of Douglas upon which it may be surmised the King and Chancellor Crichton looked with displeasure. About this time, whether in 1452 or 1453 is not at all clear,² Douglas seems to have renewed his inter-

¹ A later descendant and representative of Malise Graham was the cause of some trouble to Charles I., disputing that King's succession on the ground of the superior legitimacy of Robert II.'s children by his second wife.

² Sir William Fraser is of opinion that it was in 1452, because the *Auch-*

course with the Earl of Ross, Lord of the Isles, visiting him at Knapdale. This young lord was the son of that Alexander who had twice been in rebellion against James I., and he had been included in the pact between "the Tiger" Earl of Crawford and the 8th Earl of Douglas, which had cost that earl his life. Accordingly, when Ross's kinsman, Donald Balloch, likewise formerly a rebel, appeared in the Clyde with a flotilla of galleys, burnt Inverkip in Renfrewshire, and razed Brodick Castle in Arran, it is probable that the Government discerned herein the agency of Douglas.

However, the earl continued to act as Sheriff of Lanark as late as June 1453, when he was £420 in arrear of payments due by him.¹ He was also Sheriff of Wigtown. The last business document which he is known to have signed is a charter of certain lands in Carrick to his kinsman and secretary, Mark Haliburton, dated from Douglas Castle, 28th March 1454.²

In the total absence of all evidence as to Douglas's movements and actions during the rest of that year, one is left entirely to conjecture under the light of what happened early in the following year. That conjecture points to Crichton having been able to convince the King that Douglas's recent submission was no more than a feint to screen his treasonable negotiations with England and with the western Highlanders, and that his power and possessions were greater than could be left in the hands of a subject without danger to the dynasty. The presence in Scotland of Malise Graham may have quickened James's apprehensions; at all events, he decided that, for the third time within his reign, the Douglas must be struck down.

Having made up his mind for another *coup d'état*, James of the Fiery Face acted with his customary promptness. It was early in March 1455 when, without summons issued or *inleck Chronicle* gives May as the month of Douglas's meeting with the Earl of Ross and Donald Balloch's raid, which is inconsistent with Douglas's undoubted presence in Westminster in that month in 1453.—Fraser, i. 486.

¹ *Exchequer Rolls*, vi. 101, 103, 159, 160. He was succeeded in this office by his brother, the Earl of Ormond.—*Ibid.*, 160, 161.

² Original at Culzean Castle, quoted by Fraser, i. 486.

warning given, the royal standard was displayed before Douglas's Castle of Inveravon, near Linlithgow.

The King makes war on Douglas, March 1455. The garrison probably made a weak defence, if any; the place was dismantled,¹ and the King marched on to Glasgow, where he collected more troops. Douglas, on his part, summoned his vassals, and, it is said, sent Lord Hamilton to ask assistance from Henry of England in what promised to be a great civil conflict. He failed to receive it, for which Godscroft alleges as the reason that King Henry demanded Douglas's allegiance as the price of such aid as he might give him, and naïvely puts into the mouth of the earl some lofty expressions of patriotism, declaring in the choicest terms how impossible it was for him "to leave such a blot upon his house." A far more intelligible cause may be divined from the fact that in the spring of 1455 English parties were on the very brink of the Wars of the Roses, and King Henry had quite enough on his hands without breaking the truce with Scotland.

The King's troops had an encounter with those of Douglas near Lanark towards the end of March, and at the same time, or immediately after, other detachments wasted the earl's lands in Douglasdale, Annandale, and Etrick Forest. Siege having been laid to Abercorn in the beginning of April, Douglas hastened to relieve his garrison therein. Here may be compared the narrative of the royalist Pitscottie with that of Godscroft, the panegyrist of the Douglas.

PITSCOTTIE.

"Threttie thowsand men heireftir awfullie with displeyt baner came forvard aganis the Erle of Douglas quha wes lyand in camp of battell one the south sydd of the water of caron a litill be eist the brig with the number of fourtie thowsand men, makand for to reskew the castell of Abircorne, and thinkand na les into his mynd nor he sould be pairtie to the King and gif him battell, or ellis to caus him to leave

GODSCROFT.

"So left thus to himself, by the Instigation of his Partners, and mainly of *James Hamilton of Cadzow*, he [Douglas] gathered together his Friends and Followers, to raise the Siege of *Abercorn*, which the King had beset, and who lay before it in Person. And when he was come within five Miles, or, as others say, within Sight of the Besiegers, they looked assuredly that he would, and that he had resolved to

¹ *Exchequer Rolls*, vi. 12, 161.

the realme. Bot on the vthir syde Bisschope James Kennedie vsit ane craftie mein to brek the Erle of Douglas armye and send ane secreit servand of his awin to James Hamilton of Keidzow, quha was principall captaine to the Erle of Douglas." [Then follows an account of how Bishop Kennedy laboured to detach Hamilton from Douglas's army.] "In the meintyme thair come ane herauld fra the Kingis armye, chairgand the Erle of Douglas and his complices to skail [disperse] thair armye vnder the paine of tresoun. At thir nowellis [at these tidings] and chairge the Erle of Douglas mockit and stormit the herauld, and incontinent gart blaw his trumpantis and put his men in ordour and merchit fordwart to haue met the King and fochin with him. Bot fra tyme he saw the Kingis armye in sicht and abyding him stoutlie with so great ane number, his curage was sum thing abaced, and so was all the lordis and barronis that was with him. . . . Thairfoir he reiteird his armye hame againe to thair campis, trastand to instruct thame and to gif thame bettir curage and hardiment nor thay had befoir, that thay nicht pas fordwart with him one the morrow as he pleissit. Bot of this purpois all the lordis and captaines of the Erle of Douglas ost was nocht contentit; and speciallie James Hamiltoun, quha passit to the Erle of Douglas incontinent, and requyreit of him quhat was his mynde, gif he wald gif the King battell or nocht? and schew to him the langar he delayit he wald be the fewar number at his purpois, and the King was evir the mair abill aganis him. The saide Erle ansuerit to James Hamiltoun, sayand, gif he was tyred, he nicht depart when he pleissit; off the quhilk answer the said James was weill contentit, and that samyn nicht passit to the King, quhair he was weill resaut, and thankfullie, and all thingis remittit bypast."

fight, because he put his Army in Order of Battle; who, being very ready and forward for their Part, *Cadzow* also exhorting him that he would end these Wars with a notable Victory to his perpetual Praise, or with an honorable Death, as became his House, that he might vindicate himself from those Miseries and Contumelies. But he utterly refused to fight, though he were more in Number, saying plainly his Heart would not suffer him nor serve him to fight against his Sovereign, whereby it may be conjectured (as saith the Manuscript) that his Meaning was only to have terrified the King and brought him some reasonable Conditions of Peace. . . . He suffered himself to be carried unto that which he most inclined to, his Love to his Prince, and thereby he slipt and let slide through his Fingers, as it were, this fair Occasion which was then offered unto him, of no less (in the Judgment of his Friends) than the casting the Dice for the Crown: and so James Hamilton told him, that the Occasion was such, that if he did not lay hold of it, he should never find the like again. He told him withall that his want of Resolution would be his Overthrow, as it was indeed. For James Hamilton himself left him that same Night, and went to the King, of whom he was so honorably and well received, that others thereby were encouraged to come in also."

From these two narratives can be gathered the solid fact that Douglas was deserted on the eve of battle by his ablest lieutenant, Hamilton of Cadzow, whose defection brought about the "skalling" of the contingents under other captains; so that Douglas was left with but two or three thousand of his own tenants in presence of a vastly superior royalist force. Godscroft, over-solicitous for the honour of his patron's ancestor, makes out that Hamilton hotly urged Douglas to give the King battle, and assigns lofty motives of reverence for the royal person as the reason why the earl refused to strike. Pitscottie, on the other hand, represents that Hamilton, under the influence of Bishop Kennedy's arguments, was anxious to restrain Douglas from hostilities; but, being pledged to him, would not break faith, provided the earl would not put off action too long.

In an earlier chapter Pitscottie relates a picturesque scene between the King and Bishop Kennedy, which seems to give a key to the whole situation. When Douglas first took the field, King James "was stupefact in his mynd, thynkand his armye was ovir litill at that tyme to debeit aganis the Erle of Dowglas." He took ship and sailed to St. Andrews to take counsel with Bishop Kennedy, upon whom he had learned greatly to rely. The bishop set his liege lord down to "disjohne" [*dejeuner*], and passed to the oratory to pray. Returning after the King had eaten and drunk, he joined in prayer with him; then "causit him to pas into his stwddie or secreit hous quhair his bowis and arrowis lay with vthir sindrie jowallis [jewels] of the said bischoppis." Pulling out a sheaf of arrows, he bade the King break it across his knee. Not unnaturally James answered that it was "onpossibill" — no mortal was strong enough to break such a sheaf. "Precisely," answered the bishop, "but I will show your Grace how any child may break them," and began pulling them out, "ane be ane or twa be twa, quhill [until] he had brokin thame all." The simile was transparent. The league of barons with Douglas was too powerful to be crushed as long as they were bound together; detach them from each other,

and they might be overcome easily. The bishop, who was an active and adroit diplomatist, undertook the task of disintegration, and carried it through successfully, concentrating his arts upon Hamilton as the strongest man among the insurgents.

It may well be that Hamilton was the more ready to hearken to Kennedy's overtures in consequence of Douglas's hesitation to attack the King. Moreover, he had a powerful friend at Court in the person of his uncle, Sir James Livingstone, who was once more in favour, and Chamberlain of Scotland. Anyhow, all accounts agree in this—that Hamilton changed sides, and that Douglas's "ost" melted away.¹ Douglas himself rode off the field with a

Douglas
takes refuge
in England.

very slender following, and made his way across the Border into England with but four or five companions, leaving his garrison in Abercorn to make what terms they could for themselves. The gallant fellows scorned to haul down the bloody heart before all the power of Scotland. "Thus the King," says the Auchinleck chronicler, "remanit still at the sege, and gart strek mony of the towris down with the gret gun, the quhilke a Franche man schot richt wele, and falyeit na shot within a faldome [fathom] quhar it was chargit him to hit." They held out for a month, when the place was levelled to the ground, many of its defenders being hanged.²

Before that was achieved Scottish blood had flowed freely in another part of the country. The Douglas chief had found shelter in England, but his brothers remained to lead his vassals against the royal troops. In Archibald Douglas, Earl of Moray [xxi.], the fiery spirit of his race had slumbered but lightly in

The Battle of
Arkinholm,
1455.

¹ Mr. Hume Brown [*Hist. Scotland*, i. 237] discredits Boece's statement that the armies of Douglas and the King met on the banks of the Carron, because no contemporary authority mentions it. But contemporary authority for this period is almost absent, and it is difficult to account for Douglas's flight upon any other hypothesis than that quoted in the text.

² Abercorn Castle was never rebuilt. The site thereof is now within the park of Hopetoun House, about a mile to the west of the present mansion, commanding a magnificent view up and down the Firth of Forth.

the gentle and cultivated seclusion of Darnaway. He roused himself at the first summons, and made all speed to join his brother Ormond [xxii.] in Annandale, whither also came John Douglas of Balvany [xxiv.], a lad still in his teens, but a gallant one. These three young knights assembled a brave levy of the Douglas vassals, and threatened to raise the whole south-west against the King. The men of Galloway had always been readier in allegiance to a visible chief than to a distant monarch. But he of the Fiery Face was no laggard in war. To crush the Douglas rebels he chose one of their own brood, George Douglas, 4th Earl of Angus [xlii.], and detached him with sufficient force to put down this fresh rising, while he himself remained before Abercorn. There is no detailed account of what followed. It is only known that the brothers Douglas gave their kinsman battle at Arkinholm on the Esk,¹ that Angus was completely victorious, and that the gentle Earl of Moray was among the slain.

“Pompey by Cæsar only was undone,
None but a Roman soldier conquered Rome;
A Douglas could not have been brought so low,
Had not a Douglas wrought his overthrow.”

Ormond was wounded and taken. Pitscottie records with virtuous satisfaction that he was “keipit werrie straitlie in pressoune till he was haillit of his wondis and then broght to the King in Edinburgh and heidit [beheaded] for his rebelloun.” John Douglas of Balvany joined his brother, the Earl of Douglas, in England.

Parliament met in June and formally forfeited the estates of the Earl of Douglas, his three brothers, and his mother, Countess Beatrix. The office of Warden of the Marches, which had become hereditary with the chiefs of Douglas, was declared to be so no longer. Another act was passed prohibiting all men, on pain of death, to receive or aid in any way the surviving members of this great family, and by a third act

Forfeiture of
the Doug-
lases, 10th,
12th June
1455.

¹ The village of Langholm now covers part of the battlefield.

the lands of Galloway, Ettrick Forest, Ballincrief, Gosford, and the estates in Moray were vested in the Crown.¹

The King bestowed Annandale upon his second son, Alexander, Duke of Albany, and the other Douglas lands were divided among the Maxwells, Johnstones, and Scotts, families destined to rise to power on the ruins of the mightier house. Herries of Terregles, whose father, it is alleged, the 8th Earl of Douglas had "cassin in irons and hangit schamefullie," was appointed Keeper of Lochmaben, and Sir Andrew Agnew of Lochnaw, hereditary Sheriff of Wigtownshire, received compensation for the death of his father in the King's service. Angus was not likely to go without substantial reward for the ruin of his kinsman, and to him was given the lordship of Douglas with the original possessions of his ancestors in Douglasdale.²

Douglas of course defied the summons issued for him to appear before the King, and remained in England. By the month of July, of all his strongholds, the Thrieve alone held out for its lord. Galloway is enriched with much legendary lore, but round no event in its history does this gather so closely and so sadly as round the downfall of the Douglas. As to events during the siege of the Thrieve, no doubt popular belief has wandered far astray; yet it is upon popular belief that one is thrown for any surmise of how the Thrieve was taken. Pitscottie is mute, even the garrulous Godscroft

Taking of
the Thrieve,
1455.

says nothing about it; perhaps it were safest to follow their example, but local tradition is so persistent and so jealously cherished by the people on Deeside that it may be put on record, under all reserve, for what it may be worth. Only one thing is matter of history in this affair, namely, that one of the first acts of the Earl of Douglas on escaping to England had been to give formal possession of the Thrieve to Henry VI. in return for a cash payment of 400 marks for its succour, relief, and victualling, and an annuity of £500 to the earl, until such time as he should be restored to the estates

¹ *Acts of Parl. Scot.*, ii. 42, 43.

² Charter and sasine printed in Fraser, iii. 86.

taken from him "by hym that calleth hymself Kyng of Scottes."¹

It is said that towards autumn King James marched into Galloway to receive the formal submission of his lieges in that lordship, and that the garrison of the Thrieve under Margaret, Countess of Douglas, the Fair Maid of Galloway, refused to surrender. Thereupon King James directed siege to be laid to the castle, and the country people gathered from far and near to witness the bombardment. It was soon found that the royal guns were far too weak to have any effect upon the walls. Among the spectators stood one M'Kim, a blacksmith, commonly known as Brawny Kim, who undertook to make a gun for the purpose, provided he was supplied with plenty of iron. This having been done, Kim set to work with his seven sons and forged a cannon fashioned as a cooper makes a cask with staves and hoops. His forge was on the Buchan Croft, near the Three Thorns of Carlingwark,² and while he wrought parties of workmen quarried balls of granite on the Bennan Hill. Joseph Train, the industrious collector of local lore for Sir Walter Scott, gives the subsequent story as it ran some eighty years ago—

"The first charge of Kim's cannon is said to have consisted of a peck of powder and a stone ball the weight of a Carsphairn cow. The eminence from which this great gun was first discharged was from that circumstance called Knockcannon,³ and in the end of the Castle of Thrieve, facing Knockcannon, there is an aperture in the wall still called the Cannon Hole. . . . The first ball discharged from Kim's gun carried away the hand of the Fair Maid of Galloway, as she sat at table in the banqueting room, and was about to raise

¹ Bain, iv. 259.

² Carlingwark, the old name of Castle Douglas, now a thriving market-town and railway station. The modern name has no relation to the old Douglasses, though the town is within sight of the Thrieve, but was given to it by a modern speculator who built mills there.

³ Obviously mythical etymology of the most unblushing kind. It fits the narrative nicely, and undoubtedly the hill still bears that name, but the analogies in other Celtic districts are numerous—Carriggannon, Drumcannon, Lettercannon, etc., where the suffix represents the Gaelic *ceann fhionn* [pronounced "cannon"], literally "white head," but generally signifying "freckled" or "streaked."

the wine-cup to her lips. The destructive powers of this extraordinary weapon of war pleased the King so well that, before leaving Galloway, he erected the town of Kirkcudbright into a royal burgh, and granted the forfeited lands of Mollance to Brawny Kim."¹

Now here we are plunged into myth of the most nebulous order, nor is our confidence heightened when Train goes on to identify the great cannon with Mons Meg, now on the ramparts of Edinburgh Castle, which he alleges is a contraction of Mollance Meg, Brawny Kim's loud-voiced wife, in whose honour the piece was named. Still less is one's faith equal to the strain expected of it when Train, too good an antiquary to father such fibs, solemnly affirms that when the Thrieve was being cleared of rubbish by Sir Alexander Gordon for the reception of some French prisoners early in the nineteenth century, a massive gold ring was found bearing the legend "Margaret de Douglas," the inference being that it had been blown off with the Fair Maid's hand. The finding of such a priceless relic would only be less marvellous than that it should have been allowed to disappear; yet Train admitted, within twenty years of its discovery, that all trace of it had vanished.

King James certainly erected Kirkcudbright into a royal burgh in 1455, which had been hitherto a burgh of regality under Douglas;² but there is no documentary evidence of the lands of Mollance, which belonged to the abbey of Tunland, having been granted to M'Kim or M'Myn.³

Of the remaining acts of the last Earl of Douglas the recital is as brief as it is melancholy. King Henry continued, until his defeat by the Yorkists at Northampton [10th July

¹ Mackenzie's *History of Galloway*, vol. i. Appendix M.

² Its first provost was Maclellan of Bombie, son of the laird said to have been so cruelly slain by the 8th Earl of Douglas. In a burgh of regality the jurisdiction was vested in some baron or ecclesiastic, who held his own courts; but royal burghs, besides other privileges, were subject to the jurisdiction of the King and his judges.

³ "Mons Meg" may be identified with the King's "great bombard," for the conveyance whereof, with other artillery, from Linlithgow to the Thrieve, payments appear in the Exchequer Rolls. As it appears from the same record that James II. imported his bombards from Flanders, Mons Meg was probably of foreign make. [*Exchequer Rolls*, vi. 4, 6, 115, 122, 200, 209, etc.]

1460], to pay the earl his annuity by more or less regular instalments.¹ James II., considering himself released from the truce concluded with Henry, tried to snatch Roxburgh Castle from the English, but on 3rd August he was killed there by the bursting of a siege piece ["be ane of his awin gunis that brak rackleslie in hir schutting," as Pitscottie puts it], Douglas, Earl of Angus, standing beside him, being wounded at the same time.² The turn of the wheel which brought the crown of England to the house of York marked the opening of a more vigorous policy against Scotland. This was in great measure forced upon Edward IV. by the action of Bishop Kennedy and the Earl of Angus, strong Lancastrian partisans, who had received Henry VI.

Douglas sent and his Queen to shelter in St. Andrews after to treat with the Lord of the Isles, [30th March 1461]. In June of the same year June 1461. Edward IV. dispatched Douglas and his brother John [xxiii.] to stir up to rebellion the Earl of Ross, Lord of Owteryles [Outer Isles], and Donald Balloch.³

"O Dowglas, O Dowglas, tendir and trewe!"

it was a shameful mission for one of thy name, and it succeeded so far that the Lord of the Isles, being at Ardtornish Castle, appointed Ranald of the Isles, and Duncan, Archdeacon of the Isles, his ambassadors, who proceeded to London and, aided by Douglas, concocted a treaty with the King of England.⁴ Under this precious document the Lord of the Isles and all his vassals were to become vassals of King Edward, to act as his allies in all wars within Scotland and Ireland, in consideration of wages fixed both for peace and war. They were to hold in homage to King Edward all lands conquered by them north of the Forth; but Douglas, on the same condition, was to receive back all his lands between the Forth and the Border.

King Edward held other cards in his hand, and when occasion arose he did not hesitate about throwing over

¹ Bain, iv. 263 *et passim*.

³ Bain, iv. 268, 271.

² King James died in his thirtieth year.

⁴ *Federa*, xi. 484-487.

Douglas. A marriage between the Queen-mother of Scotland, Marie de Gueldres, and the King of England was seriously discussed. Marie met the Earl of Warwick at Dumfries in April 1462, and again at Carlisle in June. Should this marriage go forward it were hard to say whether Scotland or England would become the most hopeless refuge for Douglas. Meanwhile he was ordered by King Edward to leave Carlisle, and next we hear of him in July "as a sorrowful and a sore rebuked man lyeth in the abbey of St. Albans, and shall not be reputed nor taken but as an Englishman, and if he comes in danger of the Scots, they to slay him."¹ But the Lancastrian sympathies of Bishop Kennedy interfered to put an end to King Edward's matrimonial projects. In the autumn of 1462 he was again using Douglas as his most valuable instrument against the Scots, sending him to reconnoitre the Border for immediate invasion.² Ross and Donald Balloch had sent round the fiery cross; their galleys were sweeping the west coast and intercepting the King's customs. Howbeit, the projected combination fell through. John Douglas of Balvany [xxiii.] was taken in Ewesdale by King James's men and suffered a traitor's doom; "erle James, his brother, was chasyt in England," that is, had to retire precipitately to the safe side of the Border. King Edward, foreseeing how useful this renegade earl would be in future dealings with Scotland, treated him very handsomely; in addition to the parliamentary annuity, he paid his whole expenses while on his traitorous embassies, made him sundry special gifts of substantial sums,³ and appointed him Keeper of Carrickfergus Castle in Ulster, where doubtless were perquisites and pickings for a sagacious administrator.

Provision was made by the English Parliament in 1475 for payment of £600 to Douglas's executors in the event of his death, he being then about to proceed with King Edward to the war in France.⁴ His pay as an earl was fixed at 6s. 8d. a day, and provision was made for his retinue of four

¹ *Paston Letters*, ii. 111.

³ *Ibid.*

² Bain, iv. 271.

⁴ *Ibid.*, 290.

men-at-arms and forty archers. Of his fortunes in that abortive campaign there is no record; but he was back in England in 1476, when King Edward demanded from the King of Scots that "therl Duglas unto his lyvelood [be] restored"; but inasmuch as this was coupled, *inter alia*, with the further demand "that the King of Scottes and his heires shall doo thair homages unto the King of England and his heires,"¹ it received no more consideration from the Scottish government than it deserved.

King James got the upper hand of his rebellious brothers Albany and Mar in 1479, and shut them both up in prison. Mar died in a dungeon of Craigmillar Castle, not without suspicion of foul play; Albany escaped from Edinburgh Castle and made his way into France. Failing to obtain more than shelter from wily Louis XI., he next came to England by invitation of the Earl of Douglas. Well did it suit King Edward to encourage him, and Douglas was too deeply committed now to hope for restoration save by aiding Albany in his attempt upon the Scottish throne. Previous to Albany's coming to England, Douglas was on the Border again in the autumn of 1479, busy upon certain matters to be done for King Edward and the realm of England.² One member of his suite, Richard Holand, clerk, may be pretty confidently identified as the author of the *Buke of the Howlat*, sometime protégé of the deceased Earl of Moray [xxi.].

In 1482 Douglas received from King Edward a joint commission with the Earl of Gloucester [soon to become Richard III.] to receive the allegiance of all Scotsmen who would forswear their country and settle in England, with power to promise lands, lordships, and other benefits as a bribe.³

We are nearing the end of this murky chapter now, but the threads of the story get more confused than ever. In December 1482 Albany, after invading Scotland with the Earl of Gloucester, and taking the town of Berwick for the English [August 24], appeared in Edinburgh as the deliverer of his brother, King James, from captivity, was received into full favour and made Lieutenant-General of the kingdom.

¹ Bain, iv. 413,

² *Ibid.*, 299.

³ *Ibid.*, 300.

A couple of months later the Earl of Douglas was sent by King Edward to defend the Border against the Scots.¹ He was not the only renegade Douglas by this time. Archibald, 5th Earl of Angus [xliiii.], who three years before had earned his title of "Bell-the-Cat" by hanging King James's favourites over Lauder Bridge, and imprisoning King James himself in Edinburgh Castle, was now quite ready to betray his country. The ink on Albany's commission as Lieutenant-General was hardly dry before he sent Angus, Lord Gray, and Sir James Liddel to treat with the Earl of Northumberland. The result was a shameful compact—a treaty binding Albany, who had already assumed the title of Alexander IV., King of Scots, to renounce the allegiance of the Scottish people in favour of England, to dissolve the ancient league with France, and to assist King Edward in the conquest of that country.² Of course the usual clause was inserted securing the restoration of the Earl of Douglas to his estates—perhaps all Douglases really cared for; but there is a curious reference in the said clause to an existing convention between Douglas and Angus with that special object in view, showing that the feud between the two Douglas chiefs had been composed, and that the 9th Earl of Douglas had condoned the slaughter of his brothers by the 4th Earl of Angus. In consideration of the obligations upon the Scottish parties to this treaty, the King of England was to assist Albany in the conquest of Scotland, which Albany was to hold as an English fief, and to give the said Albany one of his daughters in marriage, but without a dowry.

Probably this treaty came to King James's knowledge, and there were enough true men among the mass of traitors at his court to enable him to defeat the conspiracy. At all events, Albany made full acknowledgment of his treason before the King on 19th March, surrendered his lieutenancy and retired to Dunbar, being forbidden to come within six miles of the King, as also were Angus and Buchan. Had James been of the mettle of some of his line, several heads would have been struck from their shoulders, and never

¹ Bain, iv. 306.

² *Ibid.*, 305.

with greater justice, as the event proved. For Albany went straight back to England, and reappeared in Scotland as an invader in the summer of 1484.

The annual fair of Lochmaben happened on 24th July, and thither were gathered the country-folk from far and near, including many vassals and tenants of the old Douglas lands. Suddenly in their midst appeared the Duke of Albany and the Earl of Douglas, riding at the head of 500 English horse. Douglas was an old man now, but he had trusted to the magic of his name to rally the ancient following to his banner. Never was man more grievously out of his reckoning. The charm was broken. For a while the crowd eyed the English riders in silence, or muttering beneath their breath. Then something happened; perhaps a trooper pressed roughly on a bystander; a blow was struck; whingers leapt from easy scabbards, and the mellay began. It went on all afternoon, till a force under Charteris of Amisfield and Crichton of Sanquhar coming up, drove the English out of the town. On their way to the Border they were intercepted on the banks of the Kirtle by the Steward of Annandale, John, Master of Maxwell,¹ and lost a number of men. The Duke of Albany made good his escape, but Douglas was unhorsed. There was a reward set upon his head, 1000 merks in money and 100 merks in land, but nobody recognised him, it seems; at least if we accept the narrative of Godscroft, which, if not gospel, is at least picturesque. He says that Douglas called to a former vassal of his own, Alexander Kirkpatrick, son of the Laird of Closeburn, and made himself known. Kirkpatrick was overcome with grief to see his chief in such a plight, and offered to escort him into England, "but he would not, being wearied of such endless troubles," and surrendered himself prisoner.² He was taken before

The Affair of
Kirtlebank,
24th July 1484.

Capture of
Douglas, 24th
July 1484.

¹ Eldest son of Robert, 2nd Lord Maxwell.

² It must be remarked that all this is extremely unlikely. Douglas had come to rouse his own vassals; to do that it was necessary he should make himself known, and for that purpose would display his arms and banner. Alexander



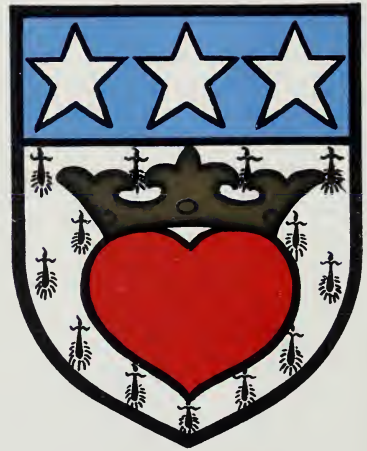
*Sir William Douglas, Lord of
Nithsdale, 1387*



James, 9th Earl of Douglas, ob. 1488.



*Archibald Douglas, Earl of Moray,
ob. 1455.*



Hugh Douglas, Earl of Ormond, ob. 1455.

his much-wronged master, King James, who with singular clemency spared his life, but sentenced him to seclusion in the abbey of Lindores. "He that may no better be, must be a monk," was the comment of Douglas upon the inevitable. It is not known whether he actually took the vows of a monk, but he never left Lindores again. Godscroft repeats a report current about another meeting between him and the King, when James III., distracted by the factions of his barons and the rebellion of his son, sought out Douglas in the retirement of his cloister and implored him to take command of his army against the rebels. But Douglas had no spirit left for the task. "Sir," he is said to have replied, "you have kept me and your black coffer¹ in Stirling too long. My friends have forsaken me; my followers are scattered among other masters; your black coffer is far from you, and your enemies between you and it." King James was done to death in Beaton's Mill on 11th June 1488, and in the same year the troubled and cloudy life of James, 9th and last Earl of Douglas, came to a close, and with it the direct line of the great house of Douglas.² Of the six sons of James the Gross [xix.], the eldest perished under the dagger of James II., the third fell in battle against his King, the fourth and fifth suffered for rebellion on the scaffold; only the second and the sixth died from natural causes.

It has been described above how the 9th Earl of Douglas married, under dispensation, his brother's widow, Margaret, the Fair Maid of Galloway. There was no issue of the marriage. Pitscottie relates how Margaret, whom he calls Beatrix, confusing her with the earl's mother, threw herself on James II.'s mercy after her husband's rebellion, repenting of "that

Kirkpatrick, however, was certainly his captor, and did not scruple to receive the stipulated reward.—*Reg. Magni Sigilli*, ii. No. 1603.

¹ The black coffer contained treasure accumulated by James III.—*Acts of Parl. Scot.*, ii. 230.

² His nephew Hugh, Dean of Brechin, son of the Earl of Ormond, survived him. Of another nephew, James, son of the Earl of Moray, nothing can be traced.

wngodlie and wickit marieage," and beseeching him to deliver her from it. This must refer to the events of 1459, until which year Margaret remained with Earl James in England. Then she returned to Scotland, under letters of commendation to King James from Henry VI.¹ She was graciously received, and was married in 1460, during her second husband's lifetime, to the King's half-brother, John Stewart, Earl of Athol, who received the forfeited lordship of Balvany,² but she must have been either divorced or dead in 1471, when Eleanor Sinclair was Countess of Athol. How her marriage with the 9th Earl of Douglas was dissolved does not appear, but dissolved it must have been, because between 1461 and 1484 he married Anne, daughter of John Holland, Duke of Exeter, relict of two John Nevilles, uncle and nephew, and mother of Ralph Neville, Earl of Westmorland. This lady died 26th December 1486 [after her third husband had been sent to Lindores], being described at the inquest as the wife of James, Earl of Douglas.³

Fig. 29.—Signature of James, 9th Earl of Douglas (1454).

Of the character and career of the last Earl of Douglas it is not possible to speak in praise, unless one turn special pleader like Hume of Godscroft. First a rebel against his King, and then a renegade in the pay of England, he wrought with all his might to destroy that national independence which the cool head and strong arm of his ancestor had chiefly prevailed to establish. In palliation may be pleaded the strong provocation he and his brothers received, while still very young men, in the treacherous murder

¹ *Exchequer Rolls*, vi. 498.

² *Reg. Magni Sigilli*, ii. No. 750.

³ *Inquisitiones post mortem*, 2 *Henry VI.*, quoted by Fraser, i. 496, note.

of their elder brother by the hand of the King. Although reconciliation followed after this deed, confidence between monarch and subject must have been fatally undermined; mutual suspicion must have been kept aglow by the busy counsels of interested partisans, ready, as the event proved, to burst into flame of war at any new combination of forces. Doubtless the hazard of such hollow relations was intensified by the earl's irresolute character, of which many traces may be discerned in the conflicting accounts of his conduct. He ended by making Scotland too hot to hold him, and brought indelible disgrace upon his name by enlisting himself as one of the most active of her foes.

APPENDIX B

Lochmabenstane

THE defeat of the English under Douglas, Earl of Ormond, 23rd October 1449 [?], is usually known as the battle of the Sark, from having been fought on the banks of that stream, but it receives mention also as the battle of Lochmabenstane, from its proximity to a large boulder of that name which holds such an important place in border history that it may be convenient to quote here what I have already stated about it in the *History of Dumfriesshire and Galloway* [Blackwood, 1896], p. 132:—

It is a large boulder on the farm of Old Gretna, in Dumfriesshire, near the confluence of the Kirtle with the Solway. In the New Statistical Account [1845] it is stated that this boulder was once surrounded by a ring of large stones, enclosing about half an acre, which had not long before been removed in the course of agriculture. There is a careful drawing of the Lochmaben Stone in Mr. Armstrong's excellent *History of Liddesdale*, etc. [Edinburgh, 1883].

This stone is constantly mentioned in charters and other early writings as a trysting-place both for the assembly

of troops to undertake or repel invasion, and for meetings between English and Scottish Wardens of the Marches to discuss matters concerning their jurisdiction, or to arrange the preliminaries of truce. Seeing that it is many miles distant from Lochmaben town and parish, and that there is no lake near it, the name of Lochmaben Stone has long been a puzzle to antiquaries, and it is only lately that a satisfactory solution has been arrived at.

The name is frequently written Clockmabanstane [e.g. *Fædera*, vol. iii. part 4, p. 152], whereby light is shed on the meaning of the name. It is obvious that the prefix is the well-known old Gælic *cloch*, a stone [in modern Gælic, *clach*]. Anglian speech established itself at an early date in Dumfriesshire. The meaning of *cloch* having come to be forgotten, this notable stone received the Anglian suffix *stán*, and became Lochmaben Stane. Cloch Mabon, then, the stone or burial-place of Mabon, was the original title, just as Clorridrich, near Lochwinnoch, in Renfrewshire, commemorates Rydderch Hael, the Christian conqueror of Strathclyde.

The next thing is to ascertain if there was any notable individual called Mabon in early times, or if the name merely bore the signification it has in modern Welsh—a young hero: the sense, by the way, in which it is applied affectionately at this day by Welsh miners to Mr. Abraham Thomas, M.P.

In the *Black Book of Carmarthen*, a collection of Welsh poems, mostly attributable to the sixth century, the following occurs in No. XXXI:—

Line 11. "If Wythnaint were to go,
 The three would be unlucky:
 Mabon, the Son of Mydrion,
 The servant of Uthir Pendragon,
 Cysgaint, the Son of Banon;
 And Gwyn Godibrion.

Line 21. Did not Manawyd bring
 Shattered shields from Trywrind?
 And Mabon, the son of Mellt,
 Spotted the grass with his blood."

Here are two individuals named Mabon, one of whom seems to have been killed in action after the battle of Trywrind. Now Mr. Skene has identified Trywrind with Trathen Werid, the scene of Arthur's tenth battle, fought in 516. The poem, however, which is very obscure, gives no indication of the place where Mabon, son of Mellt, perished; but Arthur's eleventh battle was fought in Mynydd Agned or Edinburgh, commemorated in the name of Arthur's Seat, and this may have been the place of Mabon's death.

The following passage occurs in the important topographical poem of Taliessin, No. XI., which was written to celebrate the deeds of Gwallawg ap Lleenag, who has been identified with Galgacus, whom Tacitus describes as fighting against Agricola, A.D. 80, and with Galdus, of local Galloway tradition, mentioned by the untrustworthy Boece:—

Line 26. "A battle in a wood of Beit at close of day,
Thou didst not think of thy foes:
A battle in the presence of Mabon."

"The wood of Beit" may be, as Mr. Skene suggests, Beith in Ayrshire; but it may just as probably be one of the many other places named from *beth*—the birch, such as Beoch in Wigtownshire, or Dalbeattie in Kirkcudbright. In the same poem two places are named as scenes of Gwallawg's battles: one in Wigtownshire—"The marsh of Terra," where are the Standing-Stones of Glenterra, or Glentirrow; and the other in Kirkcudbright—*pencoet Cledyfein*, or the woodhead of Cluden, near Lincluden. Moreover, Gwallawg or Galdus is supposed to be buried at Torhouse, near Wigtown, where there is a notable circle of stones called King Galdus's tomb.

But the most circumstantial reference to Mabon appears in the *Book of Taliessin*, poem XVIII., where the invasion of Strathclyde and the battles of Owen, the son of Urien, are described, as reported to the bard of Kelso (Calchvynydd)—

Line 17. "A battle, when Owen defends the cattle of his country,
Will meet Mabon from another country,
A battle at the ford of Alclud.

.

- Line 23. A battle on this side of Llachar,
 The trembling camp saw Mabon,
 A shield in hand, on the fair portion of Reidol.
 Against the kine of Reged they engaged,
 If they had wings they would have flown,
 Against Mabon without corpses they would not go.
 Meeting, they descend and commence a battle.
 The country of Mabon is pierced with destructive slaughter.
-
- Line 43. About the ford of the boundary, about the alders his battle-places.
 When was caused the battle of the king, sovereign, prince.
 Very wild will the kine be before Mabon.
-
- Line 47. The resting-place of the corpses of some was in Run.
 There was joy, there will be, for ravens.
 Loud the talk of men after the battle."

Here we have an account, in language fairly explicit for a bard, of a foray on the territory Alclud, which, of course, is the Cymric name for Dumbarton (*dûn Bretan*, the fort of the Britons or Cymri). A retaliatory invasion resulted in a defeat of Mabon at Reidol on this side of Llachar—that is, at Ruthwell on the east bank of Lochar. Reidol seems to be the Celtic rendering of Ruthwell, which in turn is the Anglo-Saxon *rôd well*, the well of the rood or cross. There is still near the village a chalybeate well, which took its name from the celebrated Runic rood or cross now standing within the walls of the parish church, and afterwards gave the name to the parish. In lines 17, 24, and 45, "kine" and "cattle" are metaphorically used for "people." The "kine of Reged" are the people of the district between Dumbarton and Loch Lomond, which was known by that name. "The ford of the boundary about the alders" may either have been on the Lochar waters, or the pursuit may have been carried as far as the "ford of the boundary" on the Sark, so often used in the later days of Border warfare. Here we may imagine Mabon to have perished, and to have been laid under the boulder which bears his name. A circle of stones was afterwards added, according to that custom of interment which took the form of what are erroneously termed Druid circles.

As to the date of this event, Taliessin seems to be telling of something which has just happened. His own era may be pretty accurately fixed as early in the seventh century, for he speaks elsewhere of the Welsh leader Brochmail as being contemporary with himself; and we know from Bede (*Ecclesiastical History*, chap. ii.) that Brochmail was present at the battle of Chester in 607. So we may assume that there was at least one warrior of the name of Mabon, who gave his name both to the district of Lochmaben and also to the Lochmaben Stone, towards the close of the sixth or beginning of the seventh century.

A thousand years later it was the recognised place of muster for the royal levies of Dumfries and Galloway, and remained so until the union of the two kingdoms.

The Lochmaben Stone is just one of those historical relics, of more than local interest, which ought to be placed without delay under the protection of the Ancient Monuments Act.

CHAPTER IX

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209 xxvii. Sir James Douglas of Lothian, <i>c.</i> 1307.	219 Slaughter of Sir Alexander Ramsay, 1342.
209 xxviii. Sir William Douglas, "Knight of Liddesdale," <i>c.</i> 1300-1353.	220 Fall of William Bullock, <i>c.</i> 1343.
211 Made Warden of the Marches, 1330.	220 Douglas is restored to favour, 1342.
211 Captured by Sir Antony de Lucy, 1333.	222 David II. invades England, October 1346.
212 Battle of Borough Moor, 1st August 1335.	223 Battle of Neville's Cross, 17th October 1346.
215 Battle of Kilblain, 30th November 1335.	224 Douglas is captured, 17th October 1346.
216 Douglas reconquers Teviotdale, 1339-1342.	224 Slaughter of Sir David Barclay, 1350.
217 Capture of Edinburgh Castle, 16th April 1341.	225 Douglas becomes King Edward's man, 17th July 1352.
	226 His death, August 1353.
	227 xxix. Sir Henry Douglas of Lugton, died 1393.

THE origin of that branch of the house of Douglas now represented by the Earl of Morton, and the precise manner in which it diverged from the senior line, is a matter of conjecture and estimate of probability. Previously to 1198 Sir Archibald de Douglas [iii.] sold the lands of Hailes in Midlothian to the abbot and monastery of Dunfermline.¹ Somewhere between the years 1214 and 1226 he received a charter—*Archebaldo de Douglas filio Willelmi de Douglas*—from Malcolm, Earl of Fife, of the lands of Herdmanston and Livingston, also in Lothian, formerly held by William of Kilmaron,² to which charter Freskin [Friskyn], Dean of Moray, was one of the witnesses. This transaction received

¹ *Registrum de Dunfermelyn*, 190.

² *Morton*, i. p. xxxiii.

confirmation from King Alexander II.¹ Sir Archibald is believed to have married Margaret, elder daughter of Sir John de Crawford, who is supposed to have borne him two sons, namely, William "Long-leg" [iv.], who succeeded to the Douglas estates, and Andrew [xxv.], who became the founder of a separate branch of the house of Douglas.

The proof of this step in the pedigree is far from complete. The fact that William Long-leg succeeded to the Douglas estates, and Andrew to those of Herdmanston and Livingston, all of which were possessed by Sir Archibald, renders it exceedingly probable that they were respectively his elder and younger son; that they were brothers is rendered almost certain by the manner in which their names are coupled as witnesses to a charter by John Gallard of Keith in favour of the monks of Dunfermline, where they are described as *Domini Willelmus et Andrea de Dufglas*.²

That Andrew Douglas had a son named William, who succeeded him in possession of Herdmanston, is abundantly clear from the confirmation by Alexander III. in 1277 of Andrew's gift of that property to his said son William;³ but obscurity descends again upon the parentage of Sir James Douglas *de Laudonia*—of Lothian—who had charters of Kincavill and Caldorcler in 1307.⁴ All uncertainty about this pedigree ends with the appearance of Sir William Douglas [xxviii.], known later as the Knight of Liddesdale, who is mentioned in several documents as the son and heir of the deceased Sir James [xxvii.].⁵ Henceforward we have the advantage of a consecutive series of about three hundred charters, which were formed into a chartulary during the fourteenth century, being probably, as the late Mr. C. Innes observed, the oldest register of lay possessions in Scotland.

This Sir William Douglas it was who first brought

¹ *Morton*, i. p. xxxiv.

² *Registrum de Dunfermelyn*, 97.

³ *Morton*, ii. 8.

⁴ *Ibid.*, 11.

⁵ *Ibid.*, 11, 22, 23, 29.

distinction upon his branch of the house. Godscroft, pardonably perplexed by the number of Douglasses named James and William,¹ pronounced him to be a natural son of the Good Sir James [vii.], whereby Tytler and other writers have been led astray. Even after this confusion has been cleared up there remains the embarrassing fact that Sir James of Lothian [xxvii.] left two sons called William, the elder a natural son, the younger legitimate and the subject of this notice. Even so well practised a genealogist as Mr. John Riddell overlooked this point, considering that the designation of "the younger," applied to William [xxviii.] in a charter of David II., was meant to distinguish him from his father, who, indeed, died before David came to the throne.² But it was no more than the popular way of distinguishing him from his bastard brother; which Bower makes perfectly clear in his account of the taking of Edinburgh Castle in 1341 *per dominos Willelmum et Willelmum de Douglas et Bullok*. He states that after the place was taken "the said William placed therein as constable his elder brother, a bastard [*nothus*], named William."³ Allusion also is made to this brother as *Willelmus de Douglas senior* in various documents of the reign of Edward III. He was taken prisoner at the battle of Durham, lodged successively in the Tower of London, Rockingham, and Nottingham Castles, and released from his chains on 16th May 1350, under the pledges of Sir Walter de Haliburton and Sir David de Annan that he would not go outside Nottingham Castle without the constable's leave.⁴ Finally, *Willelmus frater meus* is one of the witnesses to the will executed by the Knight of Liddesdale in 1351.⁵

¹ Ever since the Conquest John and William have been the commonest baptismal names in England. It is recorded that in 1173 Sir William de St. John and Sir William Fitz-Hamon gave a dinner party limited to knights bearing the name of William, and that the company numbered one hundred and twenty. In Scotland, William was very popular, but John became discredited because of John Baliol; so much so that John the Steward, when he came to the throne in 1390, assumed the name of Robert.

² *Stewartiana*, p. 137.

⁴ Bain, iii. 274, 277.

³ Bower, xiii. 47.

⁵ *Morton*, ii. 55.

Born about the year 1300, William de Douglas was the legitimate son of Sir James of Lothian [xxvii.]. Of his mother nothing is known save that her name was Joan, and that when she became a widow she drew her terce from the lands of Blackness in Linlithgowshire.¹ He makes his first appearance in history as Warden of the Marches in 1330, to which office it may be assumed that he had been appointed on the departure of his kinsman the Good Sir James [vii.] for the Holy Land with the heart of King Robert. Complaints were laid before Edward III. against him and the Earl of Moray in that year by the *communale* of a northern county, probably Cumberland, for arbitrary conduct in regard to redress of offences, and for careless observance of the truce.² When war between England and Scotland was renewed by the landing of Edward Baliol and the disinherited lords in Fife in the autumn of 1332, Douglas vigorously resisted the usurper, albeit he is not mentioned as taking part in the Tineman's [x.] camisade at Annan, nor in his raid upon Gilsland in March 1333. But when Sir Antony de Lucy, on the 23rd of that month, made a counter-raid upon Annandale, Sir William de Douglas, with Sir Humfrey de Boys, Sir Humfrey de Jardine, William Baird—*malefactores solemnes*³—attacked him with the garrison of Lochmaben.

Captured by
Sir Antony
de Lucy, 23rd
March 1333.

After de Boys, Jardine, and four-and-twenty of the Scots had been slain, Douglas and Baird yielded themselves prisoners. Lucy received three wounds, but only two Englishmen were killed.⁴ By King Edward's command Douglas and Baird were put in irons in Carlisle.⁵ Douglas was not ransomed until two years later, when he returned to Scotland and applied himself vigorously to the task of clearing the English and the adherents of Baliol out of Scotland.

He was present at the Parliament convened at Dairsie in April 1335 by the Guardians, Robert the Steward and the Earl of Moray, of which Parliament Fordun contemptu-

¹ Bain, iii. 341, 389.

² *Ibid.*, 187.

³ *Lanercost*, 272.

⁴ *Ibid.*, 273.

⁵ Bain, iii. 194.

ously observes that "nothing was done therein but what was ridiculous." This he attributes to the Earl of Athol's influence over the Steward, "who was at that time not governed by much wisdom"; but he pays the compliment to March, Moray, Sir Alexander de Mowbray, and Sir William de Douglas that they "behaved discreetly and quietly."¹ Athol certainly was working some mischief between the Guardians at this period, though nobody seems to know exactly how or why.² It was not a safe time for dissension, inasmuch as Edward of England and Edward Baliol were on the warpath, and the Scottish Guardians had issued orders for all movables and cattle to be carried and driven into the hills, lest they should serve for the support of the invaders. In July an English fleet of one hundred and eighty sail appeared in the Forth, and King Edward occupied Perth.³

Guy, Count of Namur, landing on the east coast with a body of Flemish troops to reinforce King Edward, was encountered on 1st August on the Borough Muir near Edinburgh by the Earls of Moray and March and Sir Alexander de Ramsay of Dalwalsey.⁴ A brisk combat ensued, in which Bower assigns a foremost place to *quædam virago Gellerena*—a certain virago of

Battle of
Borough
Muir, 1st
August 1335.

¹ Fordun, ii. 350.

² The Deputy Chamberlain, Adam of Buthirgask, reports that owing to the dispute [*discordia*] between the Stewart and Moray he had been unable to collect the customs of any of the burghs north of the Forth, except part of those of Aberdeen, as the two Guardians had appointed each his own people to collect them.—*Exchequer Rolls*, i. 435.

³ *Ibid.*

⁴ Fordun, Bower, Wyntoun, and the Pluscarden chronicler all state that this expedition was commanded by the Count of Gueldres, who also was an ally of the English at this time. But King Edward's safe-conducts to the Count of Namur, describing him as coming [12th July 1335] with an armed force to the English King's assistance, and [11th August] as returning home, leave no doubt that the Scottish historians are mistaken, and that the authors of *Scalacronica* and the *Lanercost Chronicle* are right. Moreover, King Edward [3rd August] gave Namur's brother Philip a silver gilt enamelled cup and ewer, and a similar cup to his knight, for services against the Scots [Bain, iii. 211]; paid Namur's expenses home from Scotland, replaced two horses lost by the Count's esquires [*Ibid.*, 5th September], and granted safe-conducts [23rd July 1337] for knights taken in Edinburgh in the company of the Count of Namur [*Ibid.*, 226].

Gueldres—who, fully armed and well mounted, did single combat with Sir Richard Shaw. These opponents charged each other with such force that the lance of each transfixed the other's body. Then, when their corpses were being prepared for burial, it was found that the doughty Flemish champion was a woman.¹

The battle was turning in favour of the Count of Namur when Sir William Douglas arrived in the nick of time with his own men and a force gathered in the Pentlands, and took the foreigners on the flank. They broke and fled for Edinburgh, hotly pursued by the Scots. The castle was in ruins at the time, having been dismantled lest it should fall into English hands, but the Flemings swarmed among the rocks, slaying their own horses and making a rampart of them, as Bower reports. They made good their defence till the morrow, when they surrendered. The Earl of Moray, *ultra modum curialis*—imprudently courteous—not only released his prisoners, but insisted upon escorting them over the Border.² He paid dearly for his clemency. After parting with the foreign knights on the march his escort was attacked by Percy. Moray himself was taken prisoner and entered upon a captivity of six years; Sir William Douglas, who rode with the Guardian, escaped with difficulty, and wounded in the ear, and William's brother James was slain.

All the north of Scotland was now in the power of Edward II. and his puppet, Edward Baliol, who had been crowned at Scone in 1332. Athol, who hated Moray and Douglas, had thrown up the cards and made terms with the English King, and persuaded one of the Guardians, Robert the Steward [afterwards to inherit the crown of the Bruce and found the Stuart dynasty], to do the same.³ The other Guardian, Moray, was in an English prison.

¹ Bower, xiii. 35.

² According to the custom of chivalrous warfare, Moray could only release those prisoners who had yielded themselves to him. Knights who took other prisoners than Moray's would be entitled to hold them to ransom; hence in 1337 there were still at least two Flemish knights in Scottish durance.

³ *Scalacronica*, 165.

Athol was rewarded by being appointed Baliol's lieutenant of the realm. Truly the national cause of Scotland had never been at so low an ebb since Robert the Bruce emerged from his hiding.

Well might the Abbot of Inchcolm bless the saints for the ambition which at this crisis impelled Edward III. to enter upon the Hundred Years War for the crown of France—

“It wes to Scotland a gud chance
 That thai made thaim to werray¹ in France:
 For hade thai halgly thaim tane
 For to werray in Scotland allane,
 Efftyr the gret myscheffis twa,
 Duplyne and Halidowne war tha,
 Thai suld have skaithit it to gretly.”²

But there were still a few true-hearted Scots knights at liberty whom neither blandishment nor bribe nor menace could bring to bow the knee to Baliol—Sir Andrew Moray of Bothwell, to wit, who, having been ransomed about August 1334, had been elected Regent by the patriots; Patrick Dunbar, Earl of March; Sir Alexander Ramsay of Dalwalsey, and Sir William Douglas of Lothian. These faithful chevaliers collected a force of some eight hundred spears out of Lothian and the Merse to maintain withal the cause of their absent King. There are so many sorrowful and shameful episodes in Scottish history, one has to blush so often for the treachery and selfishness of men of honourable lineage and high rank, that it is good to dwell on the splendid stand made by this little band, but for whom the hard-won independence of Scotland must assuredly have gone by the board.

The Almighty, says the pious Bower, having determined to put an end to the malice of Athol, inspired him with the project of capturing Kildrummie, the last strength north of the Forth which still held for King David, except Lochleven, where Sir Alan de Vipont had gallantly stood and repelled a siege. Now Kildrummie

¹ To make war.

² Have injured it [Scotland].—Wyntoun, viii. 33.

was in charge of Sir Andrew Moray's wife, of the house of Bruce, wherefore it was determined to proceed to her relief. It seemed a hopeless enterprise, seeing that Moray, March, and Douglas had such a weak following. Nevertheless they made all speed to intercept Athol; and, having been reinforced by three hundred men from Kildrummie, surprised his greatly superior force in the forest of Kilblain. The result was a great victory for the patriots: Athol himself was slain, and his army was dispersed with much slaughter. Upon hearing of the fate of Athol, Edward III. suddenly returned to Scotland, in order to relieve Lochindorb Castle, where Moray had laid siege to the Countess of Athol. Having effected the relief, the King of England laid waste Moray, burnt Aberdeen, and returned to his own country as swiftly as he had left it.

After this stroke of good fortune the patriot cause gained much strength throughout Scotland. A valuable accession thereto was that of William Bullock, formerly a priest or friar of obscure birth, whose talents had raised him to the post of chamberlain to Edward Baliol. Him Sir William Douglas bribed or frightened into surrendering the castle of Cupar, whereof Bullock was constable for Edward. Dunnottar, Kinclavin, Laurieston, Falkland, St. Andrews, Leuchars, Bothwell, and other places of strength followed in rapid succession, for Edward III.'s mind and energy were now directed upon the French War. The Countess of March—"Black Agnes of Dunbar," daughter of Bruce's nephew Randolph, Earl of Moray—bravely defied a besieging force under the Earl of Salisbury for several months, until she was relieved by the approach of Sir Alexander de Ramsay in June 1338. Sir Andrew Moray died, and was succeeded in the Regency by Robert the Steward, whose purpose it now suited to turn patriot once more. He laid siege to Perth, which was practically Baliol's capital, and despatched Douglas to Calais to purchase material. Douglas returned with French ships, which made captures among King Edward's victualling fleet in the

Battle of Kil-
blain, Novem-
ber 30, 1335.

Tay.¹ He was wounded in the operations before Perth, but witnessed the fall of that city on 17th August 1339.

After that Douglas devoted himself to the reconquest of Teviotdale, having his headquarters in the recesses of Jedburgh Forest, whence he made repeated sallies upon the English garrisons. By the year 1342 he was master of all Teviotdale, except Roxburgh Castle, and King David's writs ran once more in lands which had been long in the grip of King Edward. His gallant exploits in this long and desultory campaign earned for him the title of the Flower of Chivalry, along with the more substantial recognition conveyed in the office of Sheriff of Teviotdale, coupled, as it always was, with that of Constable of Roxburgh Castle, as yet but an honorary appointment.

These honours proved disastrous in the end to the fair fame of this renowned chevalier, marking the turning-point in his career; but there still remained some notable "juperdyis" to be undertaken by Douglas before he entered upon the downward course. Edinburgh, Roxburgh, Berwick, Jedburgh, and Lochmaben were still in the hands of the English at the beginning of 1341—

"Worthy Willame off Douglas
En till his hart all angry was
That Edynburghis Castelle swa
Hyde to the land anoy and wa,²
Standand in myddis off the land;
Swa lang was it in his fais³ hand.
He thowcht to cast a juperdy."⁴

Edinburgh Castle had been rebuilt and garrisoned by the English after the battle of Borough Muir, and Douglas listened willingly to a scheme for its recovery propounded to him by William Bullock, who had played traitor to the two Edwards in the surrender of Cupar Castle. This

¹ Douglas received payment in 1342 for his expenses at Calais.—*Exchequer Rolls*, i. 507.

² Injury and woe.

³ Foe's.

⁴ To hazard an exploit.—Wyntoun, viii. 38.

scheme consisted of one of those complicated ruses, almost as dear as miracles to the mediæval chronicler.

A mariner named Wat Curry was hired to take his vessel to Inchkeith, with a party of picked men under command of Sir William Douglas and Fraser of Durris. He then presented himself as a merchant before the commandant of the castle,¹ and offered him supplies of excellent wine and corn, which he pretended to have for disposal. Some of the Edinburgh townsfolk—William Fairley, William Bartholomew, and others—were in the plot.² A bargain having been struck between Curry and the English officer, wagons were soon on their way up the Castle Hill, freighted with casks filled, some with sand and others with salt water. The drawbridge was lowered for their admission; a cunning driver managed to jam his team under the portcullis so that it could not be let down; the blast of a horn rang out; Douglas rushed from concealment with a well-armed party, overpowered the gate-guard, and carried the castle by surprise.

The prowess of the Flower of Chivalry attracted the admiration of Sir Henry de Lancaster, Earl of Derby,³ who longed to measure lances in the lists with such a renowned chevalier. Edward III., having concluded a truce with France after the siege of Tournay [1340], had returned to England. This truce was framed to include the Scots; nevertheless the Earls of Sutherland and March had been raiding destructively in Northumberland, which brought Edward in haste to the Border. He entered Scotland in December 1341, passed through Etrick Forest in very bad weather, and returned to Melrose.⁴ Derby obtained King Edward's

Capture of
Edinburgh
Castle, 16th
April 1341.

Douglas
encounters
the Earl of
Derby,
December
1341.

¹ Sir Thomas de Rokeby was the governor, but he was absent at the time, defending Stirling Castle, of which also he was governor. Froissart mentions Richard Limosin as the governor of Edinburgh, but this name does not occur in official documents.—Bain, iii. pp. xlix., 252.

² They afterwards received rewards for their services from King David.—*Exchequer Rolls*, i. 490, 507, 522.

³ Son and heir of Henry, Earl of Lancaster.

⁴ Leland's synopsis of *Scalacronica*. The corresponding folios in the

permission to challenge Douglas to single combat, which was willingly accepted by the Flower of Chivalry. The knights met in the King's presence, but the Scottish champion was wounded in the hand at the first encounter by the breaking of his own lance, and the stipulated number of tilts could not be fulfilled. Douglas seems not to have recovered in time to take his part in an international tournament which took its rise out of this affair, when twenty Scottish knights, headed by Sir Alexander Ramsay of Dalwalsey, ran three tilts at Berwick against as many English chevaliers. Fortune declared for the Scots, of whom only one, a Hay, was slain, which success perhaps strengthened Douglas's growing jealousy of Ramsay. The lamentable depth of infamy into which that passion plunged one of the doughtiest defenders of Scottish independence must now be told.

Ramsay's growing fame culminated in the spirited capture of Roxburgh Castle by a night escalade. This stronghold, whereof Douglas was the titular constable, had hitherto defied all the Flower of Chivalry's plans for its seizure, and he took it as a deadly affront that any other chevalier should succeed where he had failed. Sir Thomas Gray was scandalised at the impiety of Ramsay, whose exploit was carried out "at the very hour of the Resurrection," and points out that all they who devised the plot came to an evil end.¹

King David, returning from his exile in France on 1st June following, was delighted with Ramsay's exploit; but David was only just eighteen; he understood nothing of the internal affairs of Scotland, and he adopted a rash method of rewarding the gallant knight. Depriving Douglas of his offices of Sheriff of Teviotdale and Constable of Roxburgh,

original have been lost, but King Edward's presence at Melrose in December 1341, which Lord Hailes overlooked, is attested by two writs issued at Melrose on 20th and 27th of that month.—Bain, iii. pp. xlix., 250.

¹ Leland's synopsis; the original passage in *Scalacronica* having been written on the missing folio.



Hemmidge Castle

he conferred them upon Sir Alexander, to the great dismay of experienced men, who foresaw the coming trouble; "for few were the things that King David did with mature deliberation and the advice of wise men; but his acts were often headstrong, on his own judgment and without counsel, as afterwards became plain."¹

Douglas was incensed beyond measure on beholding his offices bestowed upon a hated rival, thereby implying that he had proved himself unworthy to hold them. His vengeance was as swift as it was horrible. Ramsay had summoned a Court to meet in the church of Hawick, and was quietly awaiting its assembly when *supervenit filius invidiæ*²—there arrived that brat of jealousy—William Douglas, with a strong following. Ramsay, suspecting no ill, inasmuch as he knew of no offence, rose and saluted Douglas, inviting him to a seat on the bench. But Douglas and his men flew like wolves upon Ramsay's unready company, overpowered them, wounded the Sheriff and bound him upon a mule. They carried him off to Douglas's castle of Hermitage, where this brave knight was literally starved to death. Fordun says he lingered for seventeen days without food; another story, quoted by Bower, runs that he prolonged his existence by means of some corn which dropped into his dungeon from a granary above. *O exterminabilis invidia Diaboli!* exclaims the pious Bower, and launches into fine moral reflections, winding up with an appropriate quotation from Seneca; but after all, what seems to have shocked the Abbot of Inchcolm most deeply in this affair was the sacrilege committed in Hawick church; while King David chiefly resented the crime because it was committed upon one of his officials. At all events, it was not long before the Flower of Chivalry was received back to royal favour, so completely that the offices of his victim were restored to the murderer by the King. Robert the Steward was the chief agent in this reconciliation;—"thus," observes Lord Hailes, "was the first Douglas who set himself above the

Slaughter of
Sir Alexander
Ramsay, 1342.

¹ *Pluscarden*, ii. 222.

² *Ibid.*

law pardoned through the generous intercession of the Steward."

It has been shown how closely Douglas had been associated with William Bullock, the renegade, in some of his most brilliant exploits. Bullock by this time was a knight and Chamberlain of Scotland, but, whether with good reason or without, certain persons managed to arouse the King's suspicions against him. David ordered Sir David Barclay to arrest and imprison him in the dreary castle of Lochindorb, where the luckless ex-priest died shortly afterwards of starvation, as was commonly reported. Douglas was on his good behaviour at the time, and was prudent enough to take no immediate action in revenge for his friend's fate. Not the less did he mark out the King's agent, Barclay, for future punishment, and from this time forward his loyalty to King David was of very dubious quality.

Impulsive young David did not do things by halves: having granted pardon to Douglas, he proceeded to load him with favours, bestowing upon him by separate charters the lands of Aberdour, the whole earldom of Athol, the lands in Ewesdale and Eskdale forfeited by Sir James Lovel, the lands forfeited by Sir John Mowbray, and the old Graham barony of Dalkeith resigned by Sir John de Graham.¹ As has been mentioned above,² the King had granted the lordship of Liddesdale to Robert the Steward; but Robert now resigned this on receiving from Douglas the earldom of Athol, whereupon the King bestowed Liddesdale upon Douglas,³ who was thenceforward known generally as the Knight of Liddesdale. No doubt he had a splendid record of services in driving out the English, and the easy-going King overlooked his crime against a patriot not less devoted and hardly less successful.

Much of the territory recovered by Sir William Douglas from the English was part of the ancient Douglas lands. The head of the house at this time was Hugh the

Fall of Sir
William
Bullock,
c. 1343.

Douglas
regains the
King's favour,
1342.

¹ *Morton*, ii. 44-48.

² P. 77, *ante*.

³ *Morton*, ii. 46, 47.

Dull [ix.], a parish priest, wholly unfitted by training, habit, and inclination to enact the part of a great feudal proprietor. The Flower of Chivalry, therefore, had no scruples, and encountered no difficulty in persuading his chief to make over to him large tracts of country, including half the barony of Westerkirk, the barony of Stabilgorton, the lands of Polbothy [now Polmoodie], and other lands lying in the town and territory of Merton.¹

On 26th May 1342 Hugh the Dull, as mentioned in a former chapter, made formal renunciation of all his great possessions, for the purpose of entailing them upon William, afterwards 1st Earl of Douglas [xi.], and his heirs, whom failing, upon the Knight of Liddesdale and his heirs.²

There is the gravest cause for suspicion of the Knight's loyalty after all these honours and favours had been heaped upon him. A truce with England had been agreed upon in 1343, to last till 1346, but the Scots observed it very loosely, and King Edward sent Baliol to the Border to overawe them. It may be inferred that Douglas had treasonable dealings with him. Mr. Lang suggests that he was carrying on the intrigues for which Bullock had suffered, and that a raid which the Knight of Liddesdale led into England in 1343 was no more than a blind.³

When the truce came to an end in 1346 Douglas, says Bower, tried to persuade David to march to the Highlands for the purpose of restoring order, which had been violently disturbed by the murder of Ranald, Lord of the Isles, and seven others, by the Earl of Ross. If this allegation is true it may indicate Douglas's endeavour to fulfil a secret compact with the English King. But Edward III. was busy at the siege of Calais, wherein David perceived a fine opportunity for ravaging his dominions. He mustered an army of some thirty thousand, according to the Lanercost chronicler, who waxes almost inarticulate with rage at the

¹ *Morton*, ii. 89-92, 93.

² *Rotuli Scotiae*, i. 637, 640.

³ *Lang's Scotland*, i. 256.

Scots—"accursed sons of Belial," and their King—"possessed of the devil, another Ahab."¹ David first beleaguered the Tower of Liddel, which he took, and cut off the head of Edward's governor thereof, Sir Walter de Selby, who was accused of freebooting. Douglas renewed his advice that the King should march to the Highlands instead of venturing into England, but he was given to understand that the army had been mustered for higher purpose than merely winning the knight's tower of Liddel. So forward went the Scots, burning and spoiling, through Cumberland into Tynedale, till they reached Hexham, where they abode three days. The good friar of Lanercost is carried so completely away by his feelings as to repeat a scandalous story of the Scottish King's proceedings there, whereof the details are, to say the least, highly indelicate.²

By this time Percy, Thomas de Rokeby, and the Archbishop of York—*providus pater*—had raised the country, and were moving in three columns to resist the invaders. St. Cuthbert stood in apparition before King David, as is attested by sundry chroniclers, and warned him to desist from his wicked enterprise; but the King of Scots paid as little heed to this spiritual visitant as he had done to the advice of the Flower of Chivalry. He continued his march and encamped in the park of Beaurepair, in the neighbourhood of Durham. On the morning of 17th October the Knight of Liddesdale, with a foraging party, came into contact with the columns of Rokeby and York, and narrowly escaped capture. Hard pressed by Sir Robert Ogle's men, he galloped into the Scottish camp—*satis calefactus*, warm enough—and warned King David that the enemy was upon him. David was incredulous. "There are no men left in England," he said, "but wretched monks, worthless priests, and swineherds. They dare not touch us: we are safe enough."

¹ *Lanercost*, 344.

² *Ibid.*, 346.

If that was really his opinion, as reported by the friar of Lanercost, it was about to be violently altered. Percy's division, forming the right of the English army, drew near, with Umfraville Earl of Angus, Scrope, and Musgrave in subordinate commands. Next in echelon advanced the Archbishop of York, and the left was brought up by the division under Sir Thomas de Rokeby.

Battle of
Neville's
Cross, 17th
October 1346.

The Scottish line of battle was quickly formed. In the centre the King commanded in person, the Earl of Moray and the Knight of Liddesdale were on the left, the Earl of March and the Steward of Scotland on the right.¹ Percy's column was the first to engage, falling upon the Scottish left, covered by a cloud of archery. Sir John Graham begged for a hundred horse with which to scatter the enemy's archers, but, failing to get a single one, charged alone. His horse was shot under him, and he returned on foot.² Percy pressed on and threw Moray's troops into disorder. Moray was slain, last of the noble line of Randolph, and Douglas yielded himself prisoner.

All went ill with the Scots after this. John Coupland captured King David; the Earls of Fife, Sutherland, Wigtown, and Menteith were taken; among the slain were the Earl of Stratherne, the Constable, the Marshall, and the Chamberlain of Scotland, with Lindsays, Camerons, Frasers, and others of many notable houses. There is some doubt about the behaviour of the Scottish right wing under the Steward and March. They made good their retreat into Scotland, and perhaps there was some ground for King David's complaint that they did not support him in the action as they ought. But David never loved his heir-presumptive.

The young King of Scots paid dearly for his rashness by eleven years of captivity. Bower, throwing all the

¹ This formation is what appears most probable after comparing the discrepancies of various writers.

² Bower, xiv. 3.

blame upon him for having rejected Douglas's advice, draws the following moral—

“ Kyngis state giff you will lede,
Till ald mennis consall tak gude hede :
Roboam his kyngdam lesit,¹
Donge mennis consall for he chesit.”²

But it was the old story—*delirant reges, plectuntur Achivi*. If the fault was the King's, the penalty was paid by his people, and weighed them low for many long years to come, by reason of the ransoms that had to be wrung from them, both for King David and for his comrades in misfortune.

It has been shown that the action began on the Scottish left, where Moray fell dead and the Knight of Liddesdale was taken. Dare we assume that the Flower of Chivalry was altogether whole-hearted on this occasion? Where so many Scottish knights died in their harness, this Douglas might have found a fitting end. It had been better for his fame and name had he done so, in view of all that was to come.

His first thought in captivity seems to have been to avenge the fate of his old confederate William Bullock. Now Sir David Barclay had only been carrying out the King's command when he arrested Bullock and lodged him in the dungeon of Lochindorb, never to leave it alive; but it is also alleged that he had slain John Douglas, brother of the Knight of Liddesdale, at Forgie Wood. There was in this ample foundation for a blood feud; therefore, when Barclay was done to death at Aberdeen by a band of assassins under Sir John de St. Michael [? Carmichael], nobody seems to have doubted that his death had been procured by Douglas. Godscroft, at all events, accepts the charge against his hero, which he would scarcely have done had there been reasonable doubt about it, for Godscroft is a famous special pleader. He is at much pains to justify the deed. After a long explanation how Douglas was far too deeply indebted to Bullock to be

Douglas
is taken
prisoner.

Slaughter of
Sir David
Barclay, 1350.

¹ Lost.

² Chose.

indifferent to his fate, and perfectly in his right in avenging the slaughter of his own brother, he describes Barclay's murder as—

“A just fact, but not justly done; the matter was good, the form ill, being beside and against all order. But who could wait for order in so disordered a country? . . . His duty to his friends defendeth the fact; the estate of the country excuseth the form. God looketh not upon such things.”

Worse was to follow, though about this Godscroft remains discreetly silent. A stain of blood-guilt more or less could not greatly affect the character of him who had caused the gallant Ramsay to perish of starvation; but never before had one of the Douglas name stooped to treason.

In 1351 the Knight of Liddesdale was employed by Edward III. upon a secret mission to some of the Scottish nobles concerning the release of King David; but the terms offered could not be accepted with honour or profit. The negotiations fell through, and Douglas returned into captivity.¹

Foiled by the loyalty of his countrymen in this attempt to regain his liberty, the Flower of Chivalry now betrayed the cause in which he had won his renown. By an indenture, executed in London on 17th July 1352, he bound himself as liegeman of the King of England, whom he was to serve henceforward with ten men-at-arms and ten “hobelars” [light horsemen] at his own cost, but not against the Scots, *except at his own pleasure*. He was not to give counsel or aid against the English, and he was to allow them free passage through his lands at all times. In short, his estates were to form a door ever open for the invasion of Scotland. Finally, he was to give his only daughter and his nearest male heir as hostages to England for two years. In return for all this he was to receive at once Hermitage, Liddesdale, Corehead,

Douglas becomes King Edward's man, 17th July 1352.

¹ Lord Hailes states that it was William, Lord of Douglas, who was intrusted with this negotiation by King Edward, but the person is distinctly mentioned in the document as *Monsieur William Douglas*, the usual appellation of the Knight of Liddesdale.—*Fædera*, v. 738.

Newton, and Granton-Polboothy, all in Annandale and Moffatdale.¹

It was a shameful compact, but there was still justice under heaven, and the Knight of Liddesdale was baulked of the price of his infamy. Upon returning from his captivity to enjoy the fruits of his treason he found another William Douglas [xi.], his cousin and godson, hammering the English out of the southern Scottish counties, a task wherein he had attained great measure of success. How these two Williams met in Ettrick Forest, and how the elder fell by the hand of the younger, has been described above.² His body was taken first to the chapel of Lindean near Selkirk, and then laid in Melrose Abbey. In the lordship of Liddesdale he was succeeded by his slayer.

There is no record of the Knight of Liddesdale's marriage, but he left a daughter Mary, who, according to agreement, went to England as hostage for her father. On 24th June 1357 King Edward granted licence "to his beloved vallet Peter Tempest, for his good service," to marry Maria, daughter of Sir William de Douglas, knight, "who was lately delivered by her father as a hostage in England ;"³ but this licence, which was overlooked by Sir William Fraser, does not seem to have been put into effect, for in 1361 Mary of Douglas married Reginald, son and heir of Sir William More of Abercorn,⁴ who divorced her before 1365, probably on finding that her inheritance had been set aside by her father's will in favour of her cousins. In 1365 a Papal dispensation was obtained for Mary's marriage with Thomas, son and heir of Sir Robert Erskine.⁵ She died in giving birth to a child by her second husband, who claimed

¹ Bain, iii. 286.

² P. 78, *ante*.

³ Bain, iii. 298.

⁴ On 30th June 1360 Sir William More paid £250, part of 650 merks to be paid for the marriage of Mary de Douglas ; and on 30th November a further sum was paid for delivery of the lady's person.—Original receipts in Public Record Office, quoted by Sir W. Fraser, i. 253, note.

⁵ Theiner, p. 330.

a liferent in the lands of Dalkeith, "according to the courtesy of Scotland, on the plea that the child had been born alive."¹ James Douglas of Lothian [xxix.], nephew and heir under the will of the deceased Knight of Liddesdale, opposed the claim; and it was arranged that the question should be settled in chivalrous fashion by a duel between the rival claimants, to take place in Edinburgh in presence of the King. The lists were prepared, Thomas Erskine was knighted by his father, James Douglas by Archibald the Grim [xiii.], when the King, yielding to remonstrance by friends of the parties, intervened and stopped the duel. Erskine consented to receive a sum of money in lieu of his claim, leaving James in undisputed possession of the barony of Dalkeith, etc.

The Knight of Liddesdale's will, above referred to, was singularly explicit, "as if," observed Mr. Cosmo Innes, "for the express benefit of genealogists."² Dated at Peebles, 3rd November 1351, it must have been executed while he was on the secret embassy from Edward III. It contains no reference to his daughter Mary, but the whole lands of Dalkeith, Newlands, and Kilbochok are devised to his five nephews in succession—James, Thomas, William, John, and Henry, sons of his brother John. Among the witnesses to this document are his natural brother Sir William, Sir Andrew Douglas, and Archibald the Grim [xiii.], designated *consanguineus meus*—"my kinsman."³

Of these sons of Sir John Douglas, nephews of the Knight of Liddesdale, Sir Henry [xxix.], the youngest, married Marjory, daughter of Sir John Stewart of Ralston, niece of Robert II.,⁴ and widow of Sir Alexander Lindsay of Glenesk, and became progenitor of the family of Douglas of Lochleven. Alan Stewart, Lord of Ochiltree, bestowed upon him the lands of Langnewton in Roxburghshire in 1377.⁵ In 1383

xxix. Sir
Henry Doug-
las of Lugton,
ob. 1393.

¹ Fraser, i. 254.

² Morton, i. p. xv.

³ *Ibid.*, ii. 53.

⁴ William of Douglas, Henry's son, has been erroneously stated in the peerages to have married this Marjory Lindsay, but see Sir Henry's will [*Morton*, ii. 176] and King David II.'s precept [*Ibid.*, i. p. xli.].

⁵ *Morton*, i. pp. xxxv.-xxxvii.

King Robert granted him £20 a year from the customs of Haddington,¹ and six years later he received from the King charters of the barony of Lugton in Midlothian,² and of the castle and lands of Lochleven in Kinross,³ whence his descendants received their style and title.

Sir Henry died before the end of 1393, being survived by his widow.⁴

¹ *Morton*, i. p. xxxvii.

³ *Ibid.*, 168.

² *Ibid.*, ii. 167.

⁴ *Ibid.*, i. p. xl.

CHAPTER X

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IN accordance with the provisions of the will of the Knight of Liddesdale, his possessions passed to James, the eldest son of his brother John, by his wife Agnes Monfode. But in these possessions were not included Hermitage and Liddesdale, which were held to revert to the Crown in consequence of the deceased knight's treasonable acceptance of them from the King of England, and were conferred by King David upon William, Lord of Douglas [xi].¹ Sir James Douglas therefore became at once a very extensive landowner, and immensely increased his wealth by marrying, in 1372, Agnes, daughter of "Black Agnes" of Dunbar, the famous Countess of March,² who brought as her dowry not only the lands of

¹ Fraser, iii. 360.

² Morton, ii. 100, 102.

Mordington and Whittinghame and an estate in the Isle of Man, but also the liberal sum of one thousand merks a year, secured by royal grant upon the customs of Haddington and Aberdeen, *pro apparatu et amictu ipsius*—that is, for pin-money.¹ In addition to all this, Sir James's brother-in-law, George, Earl of March, bestowed upon him the castle and lands of Morton, and the lands of Whittingham in East Lothian, and of Dabton, Drumcork, and Thornhill in the county of Dumfries.²

Sir James accompanied Sir Archibald the Grim [xiii.] and the Bishop of Glasgow on their embassy to France in 1371;³ and he was one of the Scottish Commissioners with the Earl of Moray and Sir Archibald, who fixed the truce with the English at Ayton, 7th July 1384. But in the course of a long life he does not seem to have taken any leading part either in the agitating politics of the time or in the constantly recurring warfare, although proving himself an active and excellent man of business, as a large number of the papers in the Morton chartulary amply testify, a great benefactor to the Church, and superior in education to most of his rank at that period. In 1372 Robert II. granted to his "beloved kinsman, James de Douglas," licence to endow a chaplainry in the chapel of St. Nicholas, in the town of Dalkeith, with the annual sum of £6, 13s. 4d., charged upon the lands of Horsburgh in the county of Peebles.⁴ In 1377 Sir James endowed another chaplainry in the same chapel from the lands of Quilt and Fethane, also in Peeblesshire, for the salvation of his father John, his mother Agnes, his brother John, his uncle the Knight of Liddesdale, and the knight's daughter Mary. He made it a condition that the chaplain should be constantly resident and should attend to his duties, and threw an interesting side-light upon contemporary ecclesiastical habits by the significant

¹ *Morton*, ii. 84.

² *Ibid.*, 78.

³ Godscroft says it was James, afterwards 2nd Earl of Douglas [xii.], who did so, but this James was but a child in 1371. To meet this difficulty Godscroft alters the date of the embassy to 1381.

⁴ *Morton*, ii. 98.



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provision that, should the said chaplain keep a concubine *publice*, and refuse to dismiss her upon being warned to do so, he should vacate the chaplainry.¹ In 1406, having obtained the consent of Bishop Wardlaw of St. Andrews,

Founds the Collegiate Church of Dalkeith, June 1406. Douglas erected the chapel of St. Nicholas into a collegiate church, endowing it with funds out of his lands for the support of a provost and five prebendaries as perpetual chaplains, with suitable "manses." The provost and chaplains were to reside continually, and all were to attend divine service daily, "decently dressed in gown and black hood furred with lamb's-wool," except one of their number detailed to celebrate mass daily in the chapel of Dalkeith Castle. All this was done "in memory of the Kings Robert I., David II., and Robert II., their predecessors and successors, of Sir John de Douglas our father, and Lady Agnes our mother, Sir William Douglas Lord of Liddesdale our uncle, and his daughter Mary, of Agnes also and Egidia our wives, of John, Sir Henry, Thomas, and Nicholas Douglas our brothers, of John Douglas our son, Elena and Margaret our sisters, and for the salvation of all faithful departed souls, and of our own, and of that of Sir James, Sir William, and Sir James our sons, and that of our daughters, and of all others procreated or to be procreated of our body, and of Sir William Douglas our brother and his sons, and for the welfare of Elizabeth our sister, so long as we shall remain upon earth, and after death for the salvation of our souls." ²

Besides this church of St. Nicholas in the town of Dalkeith there was a chapel of Our Lady and St. John the Baptist within the castle, which Sir James endowed in 1384 with a chaplainry in memory of his first wife, supported by funds from his lands of Louchurde and Kirkurde, providing that, should the demolition or repair of the said castle interrupt the services, they should be held in the chapel of St. Nicholas, or, if war rendered that impossible, then in the parish church of Lasswade.³

Sir James Douglas died of influenza in 1420. Bower

¹ *Morton*, ii. 125.

² *Ibid.*, ii. 324.

³ *Ibid.*, 151.

mentions that it was very destructive in that year,—“not only nobles, but the commonalty succumbing to it.” This mysterious epidemic, he says, was vulgarly called “the Quhew,” just as at the present time we may hear it spoken of as “the flue”; and although Bower quotes the highest medical opinion to prove that it was the result of certain peculiarities in the season, its causes, prevention, and treatment were just as little understood in his day as they are in ours.¹

Death of Sir James Douglas of Dalkeith, 1420.

Sir James's first wife, Agnes of Dunbar, died before 1384. His second wife was Egidia, or Giles, daughter of Walter the Steward, half-sister of King Robert II., and relict of (1) Sir James Lindsay of Crauford, and (2) Sir Hugh Eglinton.

Sir James had two legitimate sons, both by his first wife—(1) Sir James [xxxi.], who succeeded him; and (2) Sir William. He left three daughters—(1) Margaret, who married Philip Arbuthnot of that ilk;² Agnes, who married John Livingstone of Callander;³ and Jean, who in 1388 married Sir John Hamilton of Cadzow.⁴

Besides his legitimate issue, Sir James left two illegitimate sons, John Douglas of Aberdour, and Sir James Douglas, also of Aberdour, Roberton, etc., whom the good knight is careful to name along with the rest of his children and relatives in the dedication of the collegiate church of Dalkeith.

By far the most interesting memorial left by this worthy knight remains in two wills, dated respectively 30th September 1390 and 13th September 1392. Except His last will and testament, 1390-1392.

the testament above mentioned of his uncle, the Knight of Liddesdale [xxviii.], these are the oldest wills known to be extant executed by any Scotsman,

¹ Bower, xv. 32.

² *Ibid.*, 97.

³ *Ibid.*, 145.

⁴ *Ibid.*, i. p. xxxviii. The original indenture under which this marriage was arranged remains at Dalmahoy, and is an exceedingly curious document, illustrating Sir James Douglas's shrewd business mind. The seal appended thereto bears the earliest extant example of the Hamilton cinquefoils.

and "are better calculated to convey a just notion of his rank and importance as a Scottish baron than any historical document that remains to us."¹ By these documents Sir James constituted his eldest legitimate son James as his heir, with Archibald the Grim [xiii.] and Sir Henry Douglas [xxix.], the testator's brother, as guardians, failing whom, George, Earl of March. Commending his soul to the keeping of the Virgin and all saints, he directed that his body should be laid beside that of Agnes, his first wife, in the monastery of Newbattle, leaving half of his free goods for the expenses of his funeral and for masses and alms for his soul's sake. The vicar of Lasswade was to have his best horse and, curiously enough, his arms, as funeral fee, under the express condition that the said vicar was not to ask nor sue for any more [*sic quod pro funerali meo ulterius non petat nec calumpniat*]. To James his heir he left his helmet and arms and plate armour, with the silken surcoat worn over the armour, his second best horse, and his jack and tushes. Also an "owche" with a ruby in the middle, a ring *de columna Christi*, a cross made of the true cross *super quam pendeat Jesus*, a silver reliquary enclosing hair of Mary Magdalene, and a gilt girdle. Among other legacies to James were mentioned a golden circlet, a great "counterfillet" of gold, a silver basin and cover valued at £15, 3s. 8d., his best gilt cup at £18, 2s., and his best sapphire ring, which he, the testator, had received from his mother with her blessing, and now left to his son James with his own cordial blessing. To James also he left a large quantity of silver plate valued at £24, 4s. 8d., his best bed, and all his books, including the Scottish statutes as well as the romances, except those on grammar and logic, which were bequeathed to his illegitimate son John of Aberdour, upon whom also he settled £10 a year until he should be provided with land to that amount. In regard to his library there is a most exemplary and commendable clause in his will, to the effect that all books which he had borrowed should be returned to their owners.

¹ *Miscellany of the Bannatyne Club*, ii. 101-120.

His daughter Jean received a golden circlet valued at forty merks in full discharge of the balance of her dowry. His illegitimate son James got his father's second best girdle, a pair of plates, and a suit of tilting armour. His brothers William and Nicholas each received suits of armour with an allowance of twenty and ten merks a year respectively. All the rest of the knight's armour was to remain in Dalkeith Castle perpetually.

The rest of his bequests consist chiefly of articles of which the mere mention must turn all good antiquaries green with despair because of their disappearance. The Earl of March received a ring with a ruby; John de Livingston a ring with a St. Christopher; the church of Newbattle a jewel of St. John that cost forty merks, with twelve silver plates of the value of £18, 6s., for the use of the refectory, and his third best horse. To Elizabeth, his sister, he bequeathed a gold brooch; to Sir Henry, his brother, a sapphire ring; to Archibald the Grim, a ring with a ruby "endlang" inscribed *Vertu ne pus auoir conterpois*, a sapphire on a gold stalk for the purification of the blood, and his second best gilt cup and cover valued at £8. To his second legitimate son William he left an emerald ring with a poesy beginning "Remembrance," and to his second wife Egidia an "owche" which she had given him, "provided she does not lay any claim to the other jewels."

The next provision in this remarkable will must be for ever deplored by historians, for it decreed "for the weal of my uncle's soul and my own," that all the bonds of the Knight of Liddesdale should be destroyed by fire. The solemnity of the injunction suggests that these documents were of much importance, not exclusively creditable to the said uncle, and capable of throwing much light upon disputed points in his later career. Other provisions settled a chalice and missal on the church of St. Nicholas in Dalkeith, sums of various amounts for building and upkeep of different churches, legacies to the friars of Haddington and Edinburgh, the monastery of Kelso, and a number of

private individuals. All his horses except those above specified were to be divided among his brothers by his executors, of whom there were nine named in the first will, to wit—Egidia, his wife; William, Henry, and Nicholas, his brothers; James of Aberdour, his natural son; Hamilton and Livingston, his sons-in-law; Andrew Crocket, chaplain; and William de Kincardine, priest. The residue of his plate was to be sold for the good of the poor; his robes of cloth of gold and silk were left for vestments to the churches of St. Duthoc at Tain and St. Nicholas at Dalkeith; Andrew Crocket, chaplain, Richard Melok, William of Dreghorn, and other priests were to share his furred garments; his green robe went to the parish church of Lasswade; his robe with a fetterlock, “which John Gibson last bought in Flanders,” to the parish church of Newlands, and so on, all the rest of his wardrobe to be distributed among his poor servants at the discretion of his executors.¹

In the will of 1392, revoking that of 1390, there are some slight alterations in these bequests, but the most significant, perhaps, is the omission of Sir James’s wife, Egidia, from the list of executors. The trifling bequest to her remains, the “owche” that she had given her husband; but his affection for her does not seem to have been great, judging from the *caveat* that she is not to claim any of the other jewels. The most important new provision was that of the bequest of all his goods, after legacies and debts, to the building and decoration of the chapel of St. Nicholas.²

In 1378 James, son and heir of Sir James Douglas of Morton and Dalkeith [xxx.], was betrothed to one of the daughters of the Earl of Carrick, afterwards King Robert III. Inasmuch as his father was only married about 1371, the bridegroom could not have been more than seven years old; but precocious matrimony was promoted in those days by far-seeing parents and guardians. “To one of the daughters,” I have said, because the indenture only binds young James to marry “one of the two daughters of the said Lord John

xxx. Sir James Douglas, 1st Lord Dalkeith, c. 1372-1441.

¹ *Morton*, ii. 170-176.

² *Ibid.*, 179-186.

[Earl of Carrick], either Margaret his elder daughter or Elizabeth his younger daughter, according to his own fancy and choice [*secundum libitum et electionem ipsius*].”¹ He chose Elizabeth. In 1392, when it is supposed the marriage took place, James’s father infest him in the castle and town of Dalkeith, with 500 merks of land ;² and in 1393 he added, by permission of Archibald, Earl of Douglas and Lord of Galloway, the barony of Prestoun in Galloway.³ In 1401 the younger James’s father-in-law, King Robert III., bestowed upon him the lands of Morton in Nithsdale, Mordington in Berwick, and Whittinghame in East Lothian,⁴ and in the following year granted him £40 a year from the customs of Edinburgh.⁵ It has been stated that King James I. made him a lord of Parliament under the style of Lord Dalkeith, but evidence is wanting on this point.

Sir James Douglas, Lord Dalkeith, died about 1441, having married, first, Elizabeth, daughter of John the Steward [afterwards King Robert III.], by whom he had three sons—

- (1) William, who married in 1421 Margaret, daughter of Sir William Borthwick, and widow of Sir William de Abernethy, and died during his father’s life without issue.
- (2) James [xxxii.], who succeeded as 2nd Lord Dalkeith.
- (3) Henry, to whom his father gave a charter of the lands of Borgue, etc., in Galloway, whereof he had sasine from Archibald, Earl of Douglas and Lord of Galloway [xiii.]. Henry married Margaret, daughter of James the Gross, 7th Earl of Douglas [xix.], and had a son, Hugh of Borgue, who in 1474 renounced in favour of his cousin, the 1st Earl of Morton [xxxiii.], all rights to the lordship of Dalkeith, except what might come to him as heir male of the line.⁶

Lord Dalkeith married, secondly, Janet, daughter of Sir

¹ *Morton*, ii. 136.

² *Ibid.*, 188.

³ *Ibid.*, 190.

⁴ *Ibid.*, 148.

⁵ *Ibid.*, 202.

⁶ *Ibid.*, 222.

William Borthwick¹ of that ilk, by whom he had a son William. Upon his father's death, *c.* 1440, this Sir William became proprietor of Morton and Whittinghame, and progenitor of the family of Douglas of Whittinghame, a line which ended in an heiress Elizabeth, who married Alexander Seton, Viscount Kingston. Lady Kingston's daughter married Hay of Drummelzier, whose descendants became the lineal representatives of Douglas of Whittinghame in this country.² In 1474 Sir William Douglas renounced his right to the lordship of Morton in favour of James, 1st Earl of Morton [xxxiii].³

Lord Dalkeith's second wife survived him, and married the Admiral of Scotland, Sir George Crichton, Earl of Caithness.

James, 2nd Lord Dalkeith, married Elizabeth, daughter of James Gifford of Sheriffhall; but having become insane during his father's lifetime, upon his succeeding in 1441, the King appointed James Gifford, Lady Dalkeith's brother, his curator for nineteen years, with full powers to administer the estates and to collect the rents.⁴ By the same instrument Gifford was constituted constable of Dalkeith Castle, a stronghold of considerable importance to that party in the kingdom which should hold it in those days of dissension. Consequently King James's Government spent considerable sums in repairs and upkeep during the tutelage of Gifford, the bills for iron, Prussian timber, etc., amounting to £122, 15s. 5d. during the years 1444-1445.⁵

Lord Dalkeith left two children by his wife—(1) James [xxxiii.], who succeeded him, and (2) Beatrix, who married

¹ *Morton*, ii. 330.

² The male line is still represented by Carl Wilhelm, Count Douglas [born in 1824], *premier gentilhomme de la chambre* to the King of Sweden. Count Douglas traces his descent from Patrick Douglas of Standing Stones, sprung from a younger brother of Douglas of Whittinghame. Patrick's son Robert [born in 1611] served under Gustavus Adolphus; was created Baron of Skalby in 1651, Count of Scheningen in 1654, and Field-Marshal in 1657.

³ *Morton*, ii. 207.

⁴ *Exchequer Rolls*, v. 146 *et passim*.

⁵ *Ibid.*, 207-209.

xxxii. Sir
James Douglas,
2nd Lord
Dalkeith.

the first Earl of Errol, Constable of Scotland. The brothers and step-mother of the 2nd Lord Dalkeith made some attempt to set aside or infringe upon James's right of succession, on the ground of his father's insanity, but without success, and he became 3rd Lord Dalkeith in due order.

In 1458 he was belted Earl of Morton on the occasion of his marriage with Joan, third daughter of James I. The lustre of this alliance is sadly overcast by the surmise, amounting almost to certainty, that this unlucky princess was deaf and dumb. There is no contemporary evidence to prove it, but in the divorce proceedings of Hugh, 3rd Earl of Eglinton, against Joanna Hamilton, his wife, in 1562, on the plea of consanguinity, it is set forth that the earl and countess were descended from a common ancestress, namely, Joan, Countess of Morton, or Lady Dalkeith, known as *muta domina*, the dumb lady. James Douglas therefore had to make some sacrifice in return for his earldom, and the prospects of offspring between the son of a madman and a dumb lady were anything but reassuring.¹

Nevertheless, the 1st Earl of Morton proved shrewd enough in his benefactions to the Church. In 1471 Pope Sixtus IV. wrote to him urging him to join in the projected crusade against the Turks in Europe,² an invitation which he was far too prudent to accept. Lord Morton increased and re-endowed the collegiate church of Dalkeith, founded by his great-grandfather [xxx.],³ and in 1474 founded a hospital of St. Martha in Aberdour, for the comfort of travellers and the support of the poor, being moved thereto, as he expressed it, by the "pious importunity" of John Scott, canon of Inchcolm and vicar of Aberdour.⁴ For a "purprusione" made upon the King's

¹ The Lady Joan must have been of at least mature age at the time of her marriage, because, eighteen years before, she had been betrothed to James Douglas, 2nd Earl of Angus [xxxix.], who, by hook or by crook, managed to evade the alliance.

² *Morton*, ii. 217.

³ *Ibid.*, 226-235.

⁴ *Ibid.*, 235-243.

moor of Peebles, Morton was adjudged to pay James III. the sum of £100. Even the wealthiest nobles of that period found it exceedingly difficult to meet their obligations with cash; accordingly King James was content to take £50 down, and in pledge of the balance received "ane chene of gold with ane crucifix of gold hyngand at the same."¹

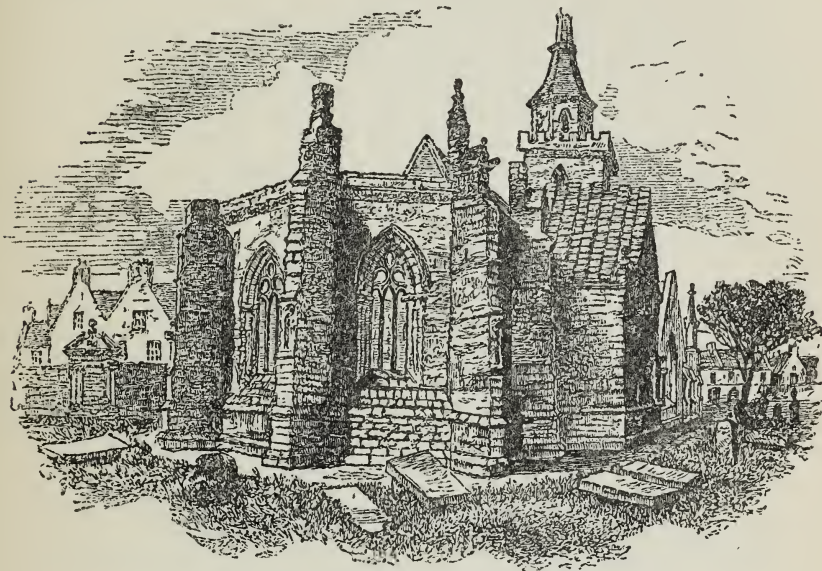


Fig. 30.—Ruins of the Collegiate Church of Dalkeith.

Morton died about the year 1504, leaving two sons—
 (1) John [xxxiv.], who succeeded to the earldom; (2) James; and one daughter, Janet, who married Patrick, Earl of Bothwell.

Death of the
 1st Earl of
 Morton,
 c. 1504.

An interesting memorial of the 1st Earl of Morton and his wife, Lady Joan,² remains, sadly dilapidated, in the ruined chancel of the collegiate church

¹ *Morton*, ii. 243.

² According to modern usage this lady would be entitled princess, but the sons and daughters of the Kings of Scotland were seldom given that style of courtesy until after the union of the Crowns.

of Dalkeith. It is a sepulchral monument, with two recumbent figures, which were long reputed to represent individuals of the Graham family, who preceded Douglas in the lordship of Dalkeith; but the late Mr. James Drummond satisfactorily proved, from the armorial bearings, that the figures were those of the 1st Earl of Morton and his royal spouse.¹ The arms shown on one shield are the paternal coat of Douglas, lords of Dalkeith, which showed only two stars or mullets in chief instead of three, as in the arms of Douglas, lords of Douglas. The other shield shows Douglas, as above, impaling the royal arms of Scotland on the wife's side.

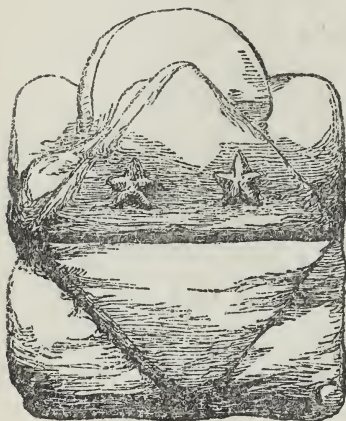


Fig. 31.

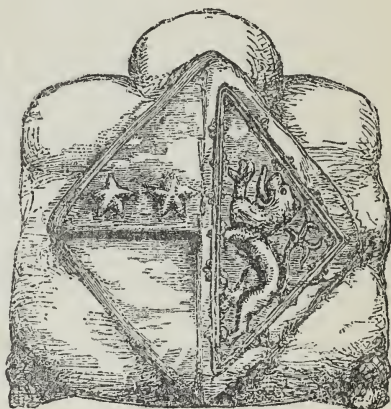


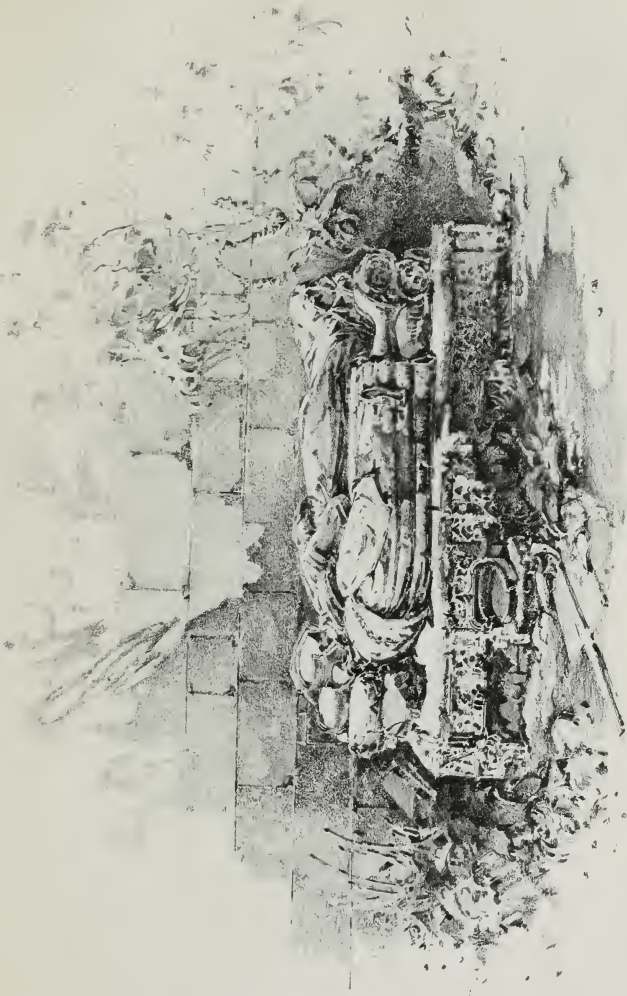
Fig. 32.

Armorial Stones in Dalkeith Church.

Patrick Graham, who succeeded his able half-brother Kennedy as Bishop of St. Andrews, resembled his predecessor only in so far as he was an active and masterful politician. Now, success in politics at that period consisted, or was held to consist, in possession of the person of the young King, James III., to effect which Lord Kennedy, elder brother of the late Bishop of St. Andrews, made a bond with Lord Fleming and Sir James Boyd, whereof

xxxiv. Sir John Douglas, and Earl of Morton, 4th Lord Dalkeith, ob. c. 1528.

¹ *Proceedings of the Antiquaries of Scotland*, vol. iii. p. 25.



Tomb of the High Earl & Countess

at St. Dunstons Church

the members agreed "to stand in a fald kendnes, supple and defences, ilk an til odir, in all thair caussis and querrell, leiful and honest, movit and to be movit, for all the dais of thair liffis, in contrery and aganis al maner of persones that leiff or dee may." At the same time Fleming made a similar cabal, including Bishop Graham of St. Andrews, and the Lords Boyd, Crawford, Hamilton, Livingstone, Cathcart, and Montgomery. These confederates obtained their primary object in the seizure of King James's person at Linlithgow on 10th July 1466. How eagerly they desired to secure the great territorial influence of the Earl of Morton, including possession of the important stronghold of Dalkeith, seems indicated by a document dated a few days before their *coup d'état*. On 30th June Morton was induced to execute an indenture with the Bishop of St. Andrews, binding the earl's son John to marry Elizabeth, daughter of David Graham, the bishop's brother, "the tyme God willing that thai cum to lachful and perfite age of mariage." Failing the life of John, his brother James was taken bound to marry the lady, "and sa furth quhill the said Lord James Erle of Mortone have ony sone and the said Dauid ony dochteris lachfully gottin." In return, the bishop, his brother David, and Robert Graham of Fintry, their father, bound themselves to do all in their power to help the earl to recover his lost heritage in Whittinghame and Morton, then in possession of Sir William Douglas, son of the 1st Lord Dalkeith [xxxii.] by his second wife. If the said earl should be reinstated in these lands, he was to pay the Grahams 1500 merks.¹

Seven years later, in January 1474, Morton was so reinstated upon the renunciation of Sir William Douglas *per fustem et baculum*,² but by that time the Boyds had come to ruin, and their estates had been forfeited to the Crown. Bishop Graham, also, had fallen upon evil days, for, after obtaining the erection of his see into an archbishopric, he was inhibited by the rector of St. Andrews University, persecuted by Schevez, the future archbishop, and

¹ *Morton*, ii. 213.

² *Ibid.*, ii. 219.

became hopelessly insane. Under these changed conditions the 2nd Earl of Morton easily escaped from his engagement to Elizabeth Graham, marrying instead Janet, daughter of Crichton of Cranston - Riddell. He died before 1528, leaving issue—(1) James [xxxv.], who succeeded as 3rd earl; (2) Elizabeth, who married Robert, Lord Keith; and (3) Agnes, who married Alexander, 5th Lord Livingstone. The only distinction which can be claimed for the 2nd Earl of Morton above many other powerful and more famous landowners of his day, is that he had the good sense and good luck to keep clear of the sordid intrigues and bitter factions which rent the kingdom during the reign of James v.; but it does not follow therefrom that his life was wasted. Too much of written history is made up of the doings of noisy demagogues and ambitious oligarchs; the silent, unobtrusive influence of peace-loving men of means upon the national character and development of industry, is apt to be overlooked; and it is possible that this earl may have done much good upon his estates, whereof the record has passed clean away.

At the second earl's death the lands and lordships passed to his only son, who was a confirmed invalid, but who, in one respect at least, showed the instincts of an improving proprietor. Magnificent in extent as were the territories of the lords of Dalkeith, the richest part of them lay beneath the surface, of which the first three Earls of Morton seem to have had an inkling, for in 1530 John Crichton, vicar of Dalkeith, entered into an indenture with the 3rd earl, in which the following sentences occur:—

xxxv. James,
3rd Earl of
Morton,
5th Lord
Dalkeith,
ob. c. 1553.

“Forsamekill as the said schir Johne Creichtoun, vicare forsaid, consideris, understandis and perfiltly knaws the greit travell, coistis and expensis sustenit and borne be umquhile¹ of gud memorie James erle of Mortoun, lord of Dalkeith, Johne erle of Mortoun, lord of Dalkeith, and now lately the sumptuous labouris, exorbitant expensis and greit diligence done and debursit be the said nobill and mighty lord, James erle of Mortoun, lord of Dalkeith, sone and air of the said umquhile Johne erle of Mortoun, lord of Dalkeith, for to fynd and obtene the

¹ By the late.

coles of Colden and Dalkeith lyand within the scheriffdome of Lowdiane and regalite of Dalketh, and the importance and emolumentis the said vicare and his successouris nicht haue therthrow, giff the saidis coles wer wonnyng¹ and gottin.—Thir² causis and considerationis moving the said schir John, vicare forsaid, he ryply avisit³ and aluayis providing the utilite, augmentatioun and singulare proffit of the kirk and vicarage of Dalkeith, and to giff the said nobill and mighty Lord James erle of Mortoun, lord of Dalkeith, and to his ane successoure, all and hale the teynd coles of Colden and Dalkeith” . . .

—all for the annual rent of forty shillings.⁴ It is strange to look upon the great Lothian coalfield, as it appears now, with its annual output of many hundreds of thousands of tons, and trace the origin of that great industry to the “sumptuous labouris, exorbitant expensis and greit diligence” of the shrewd Earls of Morton.

Having married Katherine, a natural daughter of James IV. by Mary Boyd, the Earl of Morton in 1540 was coerced by James V., under “dredour” of imprisonment in Inverness, to resign his earldom and lands in favour of Robert Douglas of Lochleven, reserving only his own liferent and a reasonable terce [*rationabilis tercia*] for his countess in the event of her surviving him.⁵ No reason is alleged for this arbitrary procedure in the King’s letter to his treasurer

Deprived of
his earldom,
17th October
1540.

¹ Obtained.

² These.

³ Ripely advised.

⁴ *Morton*, ii. 260.

⁵ *Ibid.*, ii. 261–269. It is no figure of speech to say that King James “coerced” his luckless brother-in-law, as the following passage from the judgment of the Lords of Council in 1543 upon the transaction proves:—“The gift maid [by the Earl of Morton] to the said Sir Robert Douglas was maid be dreid that mycht fall in ane constant man, in consideration that the said James Erle of Mortoun was chargit immediatlie of befor to pass to Invernes, to the extreme north partis of the realme, and ther remane in ward in the sesioun of wynter; to permut and change the halsoum and warme air with cauld and tempestious air; the natural fudis [foods] with the quhilkis he was nurist all his lifytyme with rude and unganand [unsuitable] metis; and quhair sic thingis as accordit to his estait and preservatioun of his lif mycht not be had; and als to permute ane plesand palice, castell, yardis, toun, college, with diverse otheris plesouris, with hummil [humble] and sober lugeingis [lodgings], with diverse incommoditeis and displesouris quhilkis were lang to rehers, the said Erle being ane of the maist nobill baronys of the realme, and impotent of his leggis, aigit, occupyit and detenit with diverse maledeis in his persoun.” The judgment goes on to recite how the resignation was extorted at Brechin, and how the King sent daily from his “lugeing,” pressing for Morton’s consent, otherwise the earl was to go to prison in Inverness straightway.—*Ibid.*, ii. 289, 290.

on 18th October notifying the transfer, which he says has been effected "for gude caussis," as Lochleven would explain to him. Among the "caussis" given to Robert of Lochleven to account for the King's extraordinary favour to him would be, no doubt, the fact that Morton had no male issue. Moreover, Morton was a cripple, having been absolved for life from all military service and wappinshaws on account of his being "subject to diverse seikness and infirmiteis in his persoun, havand ane sare leg, and not habile to endure greit travel in weirfare without extreme danger to his persoun."¹ It was of the utmost importance, Lochleven would be told, that, in these troubled times, the feudal lord of such great possessions should not only be well affected to the monarch, as Morton undoubtedly was, but able to exercise his power, which he was not. Douglas of Lochleven was suitable in both these respects, but it is not surprising that the Countess of Morton offered vigorous opposition to the King's design,² which, however, was duly carried out.³

But Robert Douglas's illusion was as brief as his enjoyment of the honours so unexpectedly conferred upon him. King James's real motives were rudely unravelled and disclosed by the Lords of Council when they came to try the case in 1543. "Our said umquhile Soverane Lord, quhem God assolze, labourit allways to that effect that he mycht have the saidis lordschippis and lands heritable"; a conclusion to which the King's catspaw, Lochleven, was forced when, three months after the date of his infeftment, namely, on 20th January 1541, he resigned the earldom of Morton and lordship of Dalkeith into the King's hands, protesting at the same time that he did so under coercion, in fear of death and of losing his estate of Lochleven.⁴

Upon James v.'s death, 14th December 1542, the Earl of Arran, Morton's son-in-law, became Regent; against whom Morton immediately brought an action for the re-

Compulsory
resignation
by Robert
Douglas,
January 1541.

¹ *Morton*, i. 3.

³ *Ibid.*, ii. 261-267.

² *Ibid.*, i. 3, ii. 269.

⁴ *Ibid.*, ii. 281-293.

duction of the "pretendit" resignation. After hearing all parties, the Lords of Council pronounced in judgment that the said resignation should "be reducit, cassat, annullit, declarit and decernit to have bene fra the begynnyng and to be in all tyme cuming of nane avale, and the said James Erle of Mortoun to be reponit in the samin stait tuiching the saidis lordschippis and landis, like as he was befor the making of the said pretendit resignatioun."¹

Robert of Lochleven's resignation of the earldom, etc., into the King's hands was also annulled as matter of course; and Morton executed a conveyance of the earldom and his estates to his son-in-law James Douglas [xxxvi.], second son of Sir George Douglas of Pittendreich [li.], and brother of David, 7th Earl of Angus [lv].²

The 3rd Earl of Morton died in 1552, leaving, by his wife Katherine Stuart, three daughters—

His death,
1552.

- (1) Margaret, married James, Earl of Arran, Duke of Chatelherault, Regent of Scotland;
- (2) Beatrix, married Robert, 6th Lord Maxwell, and became mother of John, 8th Lord Maxwell, upon whom James VI. bestowed the earldom of Morton in 1581; and
- (3) Elizabeth, who married in 1543 James Douglas [xxxvi.], who became 4th Earl of Morton.

¹ *Morton*, ii, 281-293.

² *Ibid.*, 294-298.

Restoration
of the earldom
in favour of
James Doug-
las [xxxvi.],
24th April
1543.

CHAPTER XI

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JAMES DOUGLAS, second son of Sir George of Pittendreich [li.], brother of the 6th Earl of Angus [l.], succeeded to the earldom of Morton under the disposition of his father-in-law, the 3rd Earl of Morton [xxxv.]. He was born about 1516, and, notwithstanding the forfeiture and banishment of his father and uncle in 1528, and the general proscription of the house of Douglas, which endured till James v.'s death in 1542, he remained in Scotland with his mother, and was named as her heir in a charter of Pittendreich granted in her favour by King James in 1536.¹ This is taken by Sir William Fraser as disproof of Godscroft's statement that James's boyhood and youth were spent in hiding from the

¹ *Reg. Magni Sigilli*, iii. No. 1541.

King's persecution. But Pittendreich had been forfeited in 1528, and bestowed upon the King's bastard brother, James Stuart, Earl of Moray, afterwards Regent, who held them until the date of the charter in question; which charter was revoked in the year after its execution, when Moray resumed possession, and held the lands until the restoration of the Douglasses in 1543. All this seems quite consistent with Godscroft's account of young James Douglas's mode of life. He expressly states that nothing is known about the early years of James's elder brother David [lv.], but that—

“Of this James it is certainly known that, all the time of his father's banishment and exile, he lurked under the borrowed name of James the Grieve¹ or James Innes; first, with his cousin at Glenbervie; afterwards, for fear of being discovered with so near a kinsman, with some gentleman in the more northern parts of Scotland. And as he bore the name, so he did also execute the office of a griever and overseer of the lands and rents, the corn and cattle of him with whom he lived. . . . He attained hereby such skill in husbandry, and such perfection in economy and thriftiness, that, having acquired a habit of frugality, he not only repaired the decayed and shattered estates of these two earldoms, Angus and Morton, but also helped to recover and augment the revenues of the Crown and kingdom more than any other Regent.”

It has been described in the last chapter how, as soon as James V. was off the scene, the 3rd Earl of Morton was restored, and how he bestowed his youngest daughter upon James Douglas younger of Pittendreich, whom he constituted his heir. Thereafter James became known as Master of Morton.

Marries
Elizabeth,
daughter of
the 3rd Earl
of Morton
[xxxv.], 1543.

Like his father Sir George [li.], and his uncle Angus [l.], Morton was an ardent advocate of the English alliance, which at first received the support of Regent Arran. But Cardinal Beaton, head of the French faction in Scotland, soon gained over the Regent, who abjured the reformed religion, so that the Douglasses found themselves once more in opposition. No effective opposition could be offered in the sixteenth century without the arguments of cold steel and gunpowder, wherefore Angus and his

¹ “Grieve” is the Scottish term corresponding to the English farm-bailiff.

clan entered into a mutual bond of defence, and to the Master of Morton was committed the keeping of Dalkeith Castle. Here he was besieged by Regent Arran, and surrendered upon honourable terms on 7th November 1543, being allowed to depart with all the garrison, and to remove his goods and gear.¹

The perplexing politics of these years will be more fully dealt with under the memoirs of the 6th Earl of Angus [1.] and of Morton's father, Sir George Douglas [li.]; meanwhile it is enough to mention that Morton and his elder brother, like the rest of the Douglasses, after having been served with summonses for high treason, became outwardly reconciled with the Regent's Government. But as long as Cardinal Beaton's influence was supreme, no Douglas head was safe on its shoulders. The Earl of Hertford's sudden descent upon the Forth, in May 1544, probably saved the lives of the Earl of Angus and his brother Sir George, whose treasonable correspondence with the English had been intercepted, and who were at the time imprisoned in Blackness. Sir George's sons, David and James, had actually offered to surrender the great castle of Tantallon to the invaders,² showing that they were in perfect concert with their father, who had invited the English to invade Scotland.

The scene now shifts from national defence to faction war. Arran was practically deposed at a convention of barons at Stirling [3rd June 1544]; the Queen-mother, Mary of Guise, was committed to the authority of four bishops and twelve lay peers; Arran stood on his defence in Blackness Castle, and the English—that is, the Douglas—faction seemed in the ascendant once more. But it is all very confused, as might scarcely be otherwise, seeing that “euerie lord did for his awne particulare proffeit, and tuke na heid of the commoun weill.”³ Angus was unscrupulous enough in the means by which the French policy should be

¹ *Morton*, i. 5.

² *Hamilton Papers*, iv. part i. 94, 98.—Maitland Club.

³ *Diurnal of Occurrents*, 33.

defeated and the English alliance secured, but when Scottish drums were beating the point of war, the Douglas blood in him would assert itself, and he bore himself as became a skilful and courageous soldier. It does not appear that the Master of Morton was with his uncle and Arran, now restored as Regent, when they routed the English under Eure and Layton on Ancrum Moor [27th February 1545]; but he was with the army which, in August of the same year, mustered on Roslyn Moor and marched into Northumberland 30,000 strong, with 3000 French auxiliaries, and which, on the treacherous advice of Angus and Sir George, turned its back on a very inferior English force and marched back into Scotland.

In June 1548 the Master of Morton was besieged in his castle of Dalkeith by Lord Grey, and being taken prisoner with the rest of the garrison, was sent to the Tower of London, where Godscroft believed that he remained for "certain years, for during that time he learned the . . . English tongue and tone, which he did ever thereafter much delight to use." Probably he did not regain his liberty till the pacification in 1550.

Taken
prisoner at
Dalkeith,
June 1548.

His first appearance as Earl of Morton was at the Privy Council on 14th October 1552. His elder brother David became 7th Earl of Angus [lv.] upon the death of his uncle the 6th earl [l.] in 1557; and at David's death in June of the same year, Morton undertook the duties of tutor and guardian to his infant son Archibald, 8th Earl of Angus [lvi.]. Having, therefore, practically absolute control over both these great earldoms, and the princely possessions comprised therein, Morton was now a territorial magnate as great as any of the old Earls of Douglas had been. But the times had moved somewhat: politics had been complicated by the advance of reforming doctrines in religion, and the battle of the creeds had greatly confused the old simple formula that might made right. Morton moved very warily at first. Son of the prime agent in the English interest, he

naturally inclined to the side of the Reformation, and in
Joins the
Lords of the
Congregation,
December
1557. December 1557 signed the confederation which
 bound the Protestant barons together as Lords
 of the Congregation. He took little part in their
 deliberations; when Perth was held against the
 Queen-Regent, Morton was absent on duty, settling the dis-
 puted frontier between England and Scotland [31st May
 1559]; neither is he recorded as having had any hand in the
 seizure of Edinburgh by the Reformers in July. The truce
 then concluded between the Lords of the Congregation and
 the Queen-Regent, to endure till the following January,
 broke down almost immediately, and again the lords
 advanced upon Edinburgh in October.

This time also Morton held aloof, although close at hand
 in Dalkeith, and although Sadleyr had just written to the
 English Council that "the Protestants make [of Morton] a
 certain account to be theirs." Sadleyr had been long enough
 in Scotland by this time to read shrewdly the motives of
 Scottish politicians, and in a subsequent letter probably
 interpreted the earl's attitude aright. He is "simple and
 fearful . . . albeit he hath by his handwriting bound himself
 to take part with the Protestants, yet he lieth aloof; some
 think he doth it partly fearing which party shall prevail,
 and partly in respect of the great benefit that he hath
 heretofore received at the dowager's hands, by whose
 means he hath obtained the earldom of Angus, though
 another hath a better title to the same;¹ and yet we
 think him to favour the Protestants more than the other
 party."

Morton, in short, was performing that delicate feat in
 political athletics, not unfamiliar to students of history
 ancient and modern, known as "sitting on the fence."
 He remained at Dalkeith when the Lords of the Congrega-
 tion withdrew from Edinburgh to Stirling. But he was
 not long in doubt about which was the stronger party.
 The earnest reformers were stimulated by the return of John

¹ Referring to Margaret, Countess of Lennox, only surviving legitimate offspring
 of the 6th Earl of Angus.



*Monument to
Lady Margaret Douglas
Niece of Henry VIII.
In Henry VII's Chapel, Westminster.*

Knox in this year; the Church of Rome was in no country more cynically corrupt than in Scotland, and had lost much of its hold upon the affection of the commonalty; lastly, there was the ever-present residuum, the irresponsible mob whose arbitrament has turned the scale in so many momentous issues, fired on this occasion, as Bishop Lesley mournfully described: "specialie for hoip of the spulye¹ of the freris² places and kirkis."

Moreover, the English army was on the march. It crossed the Border on 2nd April 1560; from that moment Morton felt assured of success, and took a leading place among the Reformers. The lords, with their English allies, laid siege to Leith, which the Queen-Regent had garrisoned with French troops. During the siege they bound themselves by a covenant to "set forward the reformation of religion according to Goddis word." Morton signed this covenant,³ and also, on 10th May, the ratification of the treaty concluded with Queen Elizabeth at Berwick on 27th February.

Signs the
Reformers'
Covenant,
27th April
1560.

The Queen-Regent died on 10th June in the same year, and the French troops were dismissed immediately thereafter. In the absence of Mary Queen of Scots in France, the Lords of the Council summoned Parliament to meet in August, when four-and-twenty "regents" were appointed, whereof twelve, of whom Morton was one, were designated as councillors to act in the name of the Queen. Outside Parliament, John Knox "taught publicklye upon the prophecie of Haggee. He was fervent in applicatioun."⁴ Inside Parliament, the Scottish Reformation was established by law, in the teeth of the prelates, once all powerful in the legislature; the Pope's jurisdiction was declared at an end, the mass proscribed, and the confession of faith approved, as drawn up by Knox. Sir James Sandilands of Calder, a knight of St. John, holding ecclesiastical rank as Master of the Preceptory of

¹ Spoliation.

³ Original at Hamilton, 27th April 1560.

² Friars.

⁴ Calderwood, ii. 12.

Torphichen, was sent to France to obtain the royal assent, but failed to obtain access to the Queen of Scots.

In October Morton was appointed one of three ambassadors to carry report of these proceedings to Queen Elizabeth, and to propose to her a marriage with the Earl of Arran, eldest son of the former regent, who had become Duke of Chatelherault.

When Queen Mary, escaping from the ships of war which her cousin Elizabeth of England had sent out to intercept her, landed at Leith on 19th August 1561, Morton at once took a foremost place among her advisers, and did his best to temper the inevitable friction between a Protestant people and their Popish Queen. He opposed Knox's attempt to interfere with Mary's private exercise of her religion; but it is doubtful whether he accompanied her in her tour to the north in the autumn of 1562—an expedition which

Appointed
Chancellor
of Scotland,
1562.

ended so mysteriously in the operations against the Earl of Huntly, head of the Catholic party. Huntly was slain at Corrichie, and his son, Sir John Gordon, taken and executed; the chancellorship of Scotland, which Huntly had held since 1547, being bestowed upon Morton.

The witty and beautiful young Queen from the first caused her chancellor many an anxious and perplexing moment. Her marriage, of course, was a constant subject of speculation among her ministers and courtiers. Mary took delight in bewildering them with the multitude of her suitors; but she gave a severe shock to Morton's equilibrium when she announced her intention of choosing as her consort Lord Darnley, the son of the Countess of Lennox, a formidable claimant on the Angus succession. Personally, Morton disliked Darnley, as did a number of the other Scottish nobles, but he dared not offend Lady Lennox by betraying his feelings; that, at least, was the interpretation put on his conduct by Randolph, the English ambassador, who wrote to Cecil in May 1565: "My Lord of Morton this time was absent, but so misliked that I have not heard any man worse spoken of. He is now in hopes



*James Douglas.
1st Earl of Morton.
From a painting at Dalmahoy.*

that [the Countess of Lennox] will give over her rights of Angus, and so [he] will become friends to that side." In fact, in this matter, Morton resumed his favourite posture on the fence, detesting the Darnley marriage, yet refraining from opposing it, lest the Countess of Lennox in revenge should persist in her claim to the magnificent property of his young nephew, to whom Morton was heir-presumptive.

How accurately Randolph had gauged the situation is shown by the contract between the Lennoxes, Darnley, and the boy Angus on 12th and 13th May 1565, wherein the Countess of Lennox ratified the infestment of Angus in his estates, and renounced all claim on her part or that of her posterity, provided—

The Countess
of Lennox
renounces
her claim,
May 1565.

"The said Archibald Erle of Angus, with expres consent and assent of the said James Erle of Mortoun, his tutor, for his interesse and acceptand the burding vpoun him, as said is, sall, with the assistance of his hail freindis and all that will do for him within the realme of Scotland, be quahatsumever honest and lefull menys at the vtermaist of his and thair poweris and vpoun thair awin expenss, solisst, avance and sett furthwardis the said Henry Lord Dernley . . . to the mariage to be contractit and solemnizat betwix hir hienes and the said Lord Dernley, and sall employ thameselffis, ther labouris and guidis in maist honorable maner thairupoun."¹

Morton, therefore, cannot be judged as disinterested in his support of the Queen, although it may be granted that her personal charm may have had some effect upon one who was certainly not indifferent to feminine beauty. Two days after Queen Mary had secured her chancellor's support, she announced her betrothal with Darnley. Morton remained calmly at his post, but Moray, who detested Darnley, left the court with Argyll and other lords, and prepared for rebellion.

The marriage took place on 25th July, Morton acting as carver to the King and Queen at the great banquet which followed it. In October he took the field against the insurgents, sharing with the King command of the main division of the army, while Lennox took the advanced

¹ Fraser, iii. 255-261.

guard, and Huntly¹ the rear. Morton, in fact, was in chief command; but Mary's suspicion of him was on the alert, by reason of his well-known friendship with Moray and Argyll. Therefore, after the insurgent lords had been driven across the Border, a bond was exacted from Morton for the delivery, whenever required, of Tantallon Castle, which he held as his nephew's guardian.²

This put the chancellor upon his guard; it behoved a man in danger of losing the royal favour to gather other support to himself, if he set any value upon liberty and life.

Morton soon became aware that it was the Queen's purpose to obtain the forfeiture of Moray, Argyll, and the other banished lords; current report, confirmed by Mary's behaviour, pointed out her confidential secretary, David Riccio, as chief adviser in this design, and, which was of singular interest to Morton, indicated the Italian as probably to be appointed chancellor in the earl's room. Riccio had enemies already in the highest quarters. Mary had certainly set tongues wagging by her indiscreet intimacy with him; even if there were no truth in her alleged amour, doubtless she found in his cultivated conversation and musical talent an agreeable relief from the vapid chatter of the husband who had already forfeited her "vehement love"—from the dull Scottish Court, so different from that in which she had grown to womanhood—and from the interminable lectures of grim and tactless divines. It was the case of James III. and his "fiddlers and bricklayers" over again, and similar means were applied as remedy. Even Darnley, though he was continually absent from his wife, hunting and hawking, was quite willing to fall in with his father, Lennox's, project for doing away with the foreigner. Sir James Melville, a contemporary diarist, imputes the origin of the plot to Morton, and says that he employed his amiable cousin, George Douglas [liv.], future Bishop of Moray, to

¹ George, 5th earl, son of the 4th earl, slain at Corrichie three years previously.

² *Reg. Privy Council*, i. 382, 417.

Murder of
Riccio, 9th
March 1566.

inflammé Darnley's mind against Riccio. William Maitland of Lethington was as deep in it as any one. "I see no certain way," he wrote on 9th February to Cecil, "unless we chop at the very root." Four days later Randolph wrote to Leicester that "David, with consent of the King, shall have his throat cut within these ten days." There were plenty of people in the secret—John Knox has not escaped the imputation, but there is nothing to prove that he knew about it beforehand. He certainly never condemned it afterwards. But Morton, though resolved to "chop," was careful that responsibility should rest on the proper shoulders. He persuaded Darnley to grant a "band of assurance," declaring the coming crime to be of his own designing, and guaranteeing the performers against all consequences at the hands of "great persons." Darnley pledged himself in this document to maintain the Protestant religion, and to restore the banished lords, in consideration whereof he was to receive equal regal rights with the Queen.

The circumstances of the deed on 9th March 1566 have been too often described to require detailed repetition here. Probably the intention was to seize Riccio and execute him publicly after some summary form of judicial procedure; but sixteenth century politicians were not meticulous about the precise means to a desirable end, and Scottish daggers ever slept lightly in their sheaths. Hence, when, at dusk on Saturday, 9th March, Morton, with an armed band, had secured the gates of Holyrood Palace, forced his way to the Queen's supper-room, where were Darnley and Ruthven, seized Riccio in his mistress's presence and dragged him into the anteroom, it was the cleric, George Douglas [liv.], say nearly all writers, who ended the scuffle by snatching the dagger from Darnley's belt, and plunging it into Riccio's bosom, cried, "Take that from the King!"¹

Message of the murder had filtered through the locked

¹ Anthony Standen [unpublished MS. at Hatfield] says George drove the dagger through Riccio's temples.

palace gates. A crowd gathered outside, to whom Darnley appeared, and dispersed the people with the assurance that all was well within. The Queen was locked into her chamber, Bothwell and others who resisted were overpowered, and custody of the palace was taken over by Morton.

Next day, Sunday 10th, Moray and the banished lords came to Edinburgh, and on Monday 11th obtained an interview with the Queen, Chancellor Morton explaining their grievances and intentions to her Majesty. Mary spoke them fair, and proposed a general reconciliation; but that very night she escaped to Dunbar, taking with her the craven Darnley, and escorted by Lord Seton with 200 horse. At Dunbar she was joined by Bothwell, whose masterful bearing had already won her changeful heart.

Deserted by Darnley, who stoutly repudiated all part in the conspiracy,¹ the Protestant party scattered, Morton and Ruthven seeking refuge in England, where they claimed protection from Elizabeth. The Queen of England had been kept informed of the successive steps in the conspiracy, and had been quite prepared to profit by its success; but the turn taken by affairs made it prudent that she should dissociate herself from even a tacit part in the matter, and on 16th June Morton sailed for Flanders. He was back in England on 4th July, when he received orders to "convey himself to some secret place, or else to leave the kingdom."²

The Earl of Moray remained in Scotland during his friend Morton's exile. Bothwell, though a Protestant—"the stoutest and the worst thought of"—was now a power at court. To him Moray had to address himself to secure the Queen's consent to Morton's recall. Darnley's part in this affair had inspired Mary with unconquerable aversion from her consort, whereof she made no secret to Bothwell. That unscrupulous individual, perceiving that

¹ "All men were discharged by proclamatioun to affirme that the King was partaker or privie to the last fact; wherat manie smiled."—Calderwood, ii. 316.

² *Cal. State Papers, Scotland*, i. 237.

Morton's return would turn the balance against Darnley, used all the power he had acquired over Mary to obtain her forgiveness for him. Mary at last having consented to pardon the fugitives, Morton returned in January 1567, but, being forbidden to come within seven miles of the court, was met at Whittinghame by Bothwell and Secretary Maitland, who invited him to plunge into a far more serious plot than the first, namely, one against the King's life. Fourteen years later, a few hours before Morton suffered on the scaffold, he gave his own account of how he received Bothwell's proposal, which is truly so little to his own credit, that it may be accepted as a very probable version of the truth.

Bothwell told him that the Queen desired that "the King should be tane away," holding him more guilty of Riccio's blood than Morton himself. Now Morton had Conspiracy against Darnley, 1567. special reason for detesting Darnley, who had betrayed him, and past events had proved that he suffered from no insuperable qualms about murder for a sufficient purpose. Speaking within a few hours of his own death, he did not say that he was at all shocked by such damnable proposals, but that he declined to be mixed up in fresh trouble, seeing that he was not yet free from the consequences of the old one. In spite of repeated solicitations by Bothwell and Archibald Douglas [xxxvii.] he continued firm in his refusal, at least until Bothwell should show him the Queen's authority in her own handwriting, "the quhilk warrand he never reported vnto me."

The position, then, was this. Morton knew weeks beforehand that a plot was in progress against King Henry's life; he declined to take an active part therein, as he did not wish to get himself into fresh trouble; but he diligently refrained from giving any warning to the intended victim, "ffor I durst nocht reveill it for feir of my lyfe." Asked why he allowed Archibald Douglas to take part in such an odious crime, he replied that he neither ordered nor advised him to proceed or refrain. Reminded that Archibald, being his servant and dependor, implicated his master

in whatever he did with his knowledge, Morton replied: "Mr. Archibald at that tyme was a depender on the erle Bothuel, making court fer him self, rather than a depender of myne." Asked whether he received Archibald after the crime, he replied: "I did indeid," and listened to the particulars from the mouth of one of the King's assassins.

The blackest part of Morton's conduct, as explained in his confession, remains to be told.

"Last of all it was said to him concerning this purpos that, in respect of his owin depositions, his pairt wald be suspectit to be mair fowle nor he declairit; he spereit¹ 'ffor what reasone?' I was ansuerit, 'Because ye, beand an auctoritie, howbeit ye puneist vtheris fer that murther, ye puneist not Mr. Archibald, whome ye knew to be guiltie thair of.' He ansuerit, 'I puneist him not, indeid, nather durst I, for the caus befor schawin,'"² namely, fear of his precious life. Now Morton did himself injustice in thus excusing himself. No man ever breathed who had less regard for his own personal safety than he; in later years it was a frequent subject of reproach and remonstrance by his friends that he would not take ordinary precaution against assassination. Rightly or wrongly he considered himself indispensable to his country's welfare and to the Protestant cause, and deemed that it would be an irreparable misfortune to Scotland if he lost either life or influence. Morton's qualities, good and ill, were on a large scale: he was free from petty weakness of all kinds.

It is time to explain who was this Mr. Archibald Douglas, so balefully prominent in this affair. He was the younger brother of William Douglas of Whittinghame, and grandson of the 2nd Earl of Morton [xxxiv.]. Trained in France for the priesthood, he accommodated his conscience to accepting the Protestant cure of Douglas parish, and in 1565 he was raised to the bench as extraordinary Lord of Session in place of the Bishop of Orkney. Four months later, having been concerned in the murder of Riccio, he

xxxvii. Archibald Douglas, Parson of Glasgow, died c. 1600.

¹ Enquired.

² Morton's confession: R. Bannatyne's *Memoriales*.

fled to France, whence, having obtained the favour of Charles IX., future author of the massacre of St. Bartholomew, he was allowed to return to Scotland, and exerted himself to obtain pardon for his fellow-conspirators. He was present with his servant Thomas Binning at the murder of Darnley in Kirk-o'-field, where he "tynt his mulis"—lost his slippers or dancing pumps, having come straight from the revel held by the Queen at Holyrood in honour of Bastian's marriage. But no proceedings were taken against this worthy at the time for his part in the crime; on the contrary, in the year following Darnley's death, he was made an ordinary Lord of Session in place of Bishop Lesley, the historian. In 1571 Regent Lennox, at Morton's instance, bestowed upon Archibald the parsonage of Glasgow, which appointment the General Assembly refused to confirm, not without reason, it seems, to judge from Richard Bannatyne's account of the scene, when Douglas at last was allowed to go through the form of examination.

"In register it was appointed to be put the exercise made be Mr. Archibald Douglas, made at Stirveling in the assemblie of August 1571, who being comandit to prepare himself for the same be the kirk, send Mr. Walter Gourlay to bid him be reddie against the morne, fand¹ him playing at the tables² with the lard of Bargany; and efter he had resavit the kirkis charge in wrait fra the said Walter, ansuerit, 'Why not? ye may say I am at my studie.' On the morne when he come to the place of examinatione wanting a psalme buke, and lukiug till sum gud fellow suld len him one, Mr. David Wemys had give him the Grek testament (per Heroniam), but he said, 'Thinke ye, sirs, that everie minister that occupeis the pulpet hes Greik?' and when he had gottin the psalme buike, after lukiug and casting ower the leives thereof a space, he desyrit sum minister to mak the prayer fer him; 'fer,' said he, 'I am not vsed to pray.' Efter he red his text . . . he sayis, 'fer the conexione of this text I will reid the thing that is befoir,' and sua red a gud space, till he come whair he began, and sa continewed his exercis with mony rastlie noises, &c. Ye may persave it was frutfull, seing he culd not pray at the beginning. O Lord! what salbe said whan sic dum dogis salbe sufferit to mock the ministrie of thy word, and the trueth thereof, on this maner?"

Just a week after Bothwell's trial for the King's murder, namely, on 19th April, Morton received from Parliament formal ratification of his earldom.³ He was once again the

¹ Found.

² Probably backgammon.

³ *Acts of Parl. Scot.*, ii. 562.

most powerful territorial potentate in Scotland, and if he feared to reveal what he knew of the crime, it is no matter for surprise that the mouths of humbler witnesses were sealed, or that Bothwell's mock trial on 9th April had ended in an acquittal. Rather than serve on the jury, Morton declared he would pay forfeit, giving as his reason that Darnley was his kinsman.

Deeper and deeper he descended into the mire; on 20th he even signed the bond consenting to the Queen's marriage with her husband's assassin,¹ notwithstanding that, as there is good reason to suppose, he was maturing a project for Bothwell's overthrow. Morton knew well enough that Bothwell, having used him for his own purpose, would not hesitate to crush him when that purpose should be fully accomplished, and Bothwell played well into his rival's hand. He was a married man, yet on 24th April 1567 he intercepted Queen Mary on her journey from Stirling to Edinburgh, and carried her off, a willing and probably collusive captive, to Dunbar. Then he instituted two processes of divorce against his young wife, Lady Jane Gordon, sister of the Earl of Huntly, whom he had married little more than a year before—a match of Mary's own making! and obtained decree upon them respectively on 3rd and 7th May. On the 15th Bothwell, created Duke of Orkney, and Queen Mary, were married under Protestant rites by the Bishop of Orkney.

The scandal of the whole proceeding was intolerable; horror thereof drove Athol and other Catholic lords into the arms of the Protestant party. They entered into the bond already subscribed by Morton and the other members of the secret council, pledging themselves "to seek the liberty of the Queen, to preserve the life of the Prince, and to pursue them that murdered the King." A plan for the seizure of Bothwell and Mary in Holyrood miscarried; warned in time, they had shut themselves up in Borthwick Castle. Thither Morton and Home rode with some hundreds of their followers, and surrounded the place during

Civil war,
June 1567.

¹ *Memoriales*, 319; Calderwood, ii. 354.

the night of 10th June. Bothwell managed to escape to Dunbar, where Mary, dressed as a man, joined him a few days later. The confederate lords then seized Edinburgh, and issued a proclamation at the Cross. Meanwhile Bothwell had been gathering what forces he could, and advanced with the Queen upon the capital. Morton, in command of the insurgent army, met the royalists at Carberry Hill on Sunday, 14th June. Mary sent the French ambassador to convey her wish that "the matter should be taken up without blood." Morton replied that his party were in arms, not against the Queen, but against the murderer of the late King, and promised submission if he were given up. Thereupon Bothwell proposed to submit to the ancient ordeal by battle to prove his innocence, offering to do single combat with Morton or any other. The challenge was accepted, but Lord Lindsay claiming his right as a nearer kinsman of Darnley, Morton gave him place, and girt him with the great two-handed sword of Archibald Bell-the-Cat [xliii.]. Then Queen Mary interfered, declaring that her consort was of too high rank to fight with any subject, and calling upon her troops to drive the traitors off the hill. Not a man of them moved, except towards the rear; Bothwell saw the game was up; accepted Morton's private hint to avoid a worse fate by making his escape, and rode off the field, leaving the Queen to return to Edinburgh a captive.

A sorrowful cavalcade it was as ever summer sun looked down upon. Mary, "in a short pitticoate, little syder than her knees,"¹ her beautiful features soiled with dust and smirched with passionate weeping, rode between Morton, murderer of Riccio and accomplice in Darnley's murder, and Athol, head of the Catholic lords, upon whom she had relied. From windows and stairs in the crowded High Street curses and jeers were hurled at the fair head, which ought to have been the pride of Scotland. Many of her captors were hot to have her blood, but Morton restrained them—at least so a Protestant contemporary states²—and

¹ Calderwood, ii. 364.

² *Ibid.*, 366.

on 16th June Mary was imprisoned in Lochleven Castle, under charge of Sir William Douglas [lviii.], owner thereof, and the Lords Lindsay and Ruthven.¹

Three days later, on 19th June, Morton, acting as chief of the State in Moray's absence, hearing that one of Bothwell's servants had come to Edinburgh Castle to recover some of his master's property, sent Archibald Douglas and others to arrest the man. The result was that a certain silver-gilt casket came into Morton's hands, which, on the 21st, was forced open in the presence of several of the lords. It was found to contain highly compromising documents, including letters from Queen Mary written to Bothwell before their marriage, which, if genuine, proved beyond all doubt guilty foreknowledge of the murder of Darnley. It is impossible in this place to follow the discussion, which has never yet produced agreement, and probably never will, as to whether these papers were forged, tampered with, or genuine. If they were forged, who was the forger—Lethington or Archibald Douglas? In whose interest were they forged? In that of Morton and the Protestant party undoubtedly, to whose schemes and policy the Queen was the chief obstacle, and it is scarcely possible that Morton should not have been aware of such a forgery. The conscience of the man who knew of Darnley's approaching fate, and refrained from warning him thereof for fear of his own life, would not have shrunk from sanctioning the fabrication of evidence in support of a charge which, after all, he and many others were convinced was true. On the other hand, had Morton at that time desired the execution of Queen Mary, would it not have been much simpler for him to let that take place, as was strongly urged by some of the lords, immediately after the surrender at Carberry? Instead of doing so, he had been the chief means of saving the Queen's life, at least so says Calderwood, thereby incurring from some of the other lords the reproach of being "a stayer of justice." Genuine or forged, these

The Casket
Letters,
June 1567.

¹ *Morton*, i. 24.

casket letters were founded upon in Parliament, which, in December, confirmed Morton's action in committing the Queen to prison.

Meanwhile, on 24th July, Mary was compelled to abdicate in favour of her son, James VI., and nominated as Regent her natural brother, the Earl of Moray. An interim council was appointed to act under Morton till Moray's return; the young King was crowned at Stirling on 29th July, Morton taking the oaths on his behalf and swearing to maintain the Protestant religion. Moray took up the regency on 22nd^o August, Morton having been restored to the chancellorship.

Morton had good cause to congratulate himself upon the discretion which had kept him clear of the plot against Darnley, for, on 14th December, when four of Bothwell's wretched instruments were put on trial and condemned to death for their part therein, no mention of the chancellor's name occurred in their long and minute depositions.¹

It is true, as admitted by Calderwood, Morton's unwavering panegyrist, that it was commonly believed and reported that Moray and Morton were at the bottom of the whole deadly plot, but both had the sagacity to be absent from Edinburgh when it took effect, and few dared to speak above their breath.

In May 1568 Queen Mary escaped from Lochleven and

¹ Since this paragraph was written I have been favoured with a transcript of the remarkable discovery by Father Ryan, S.J., in the Cambridge MS. of Hepburn of Bowton's deposition. A long passage which occurs in this MS. does not occur in the copy of the confession attested as "true" by the Lord Justice-Clerk, Bellenden [B. M. Cotton, *Caligula*, c. i. folio 325], which was no doubt the same as that put in at the Westminster conference. In this passage occurs the following important sentence:—"Item depossis that Ilk ane that wer of the band [for the murder of Darnley] and siclike the erle of Morton and Syr James Balfor [who had *not* signed the band] suld haif send twa men to the committing of the murther." This, if true, would account for the presence of Archibald Douglas and his servant Binning, as representing Morton. The inference is a sinister one: namely, that Moray caused Bellenden to attest a false copy of Bowton's confession, which was submitted at Westminster, so as to screen Morton. Yet who shall pronounce what weight is carried by the confession of Hepburn, the murderer present, against the confession of Morton, the accomplice absent?

joined a force of 6000 men which her adherents had collected in readiness. Moray was in Glasgow at the time, and summoned Morton to his assistance. The Queen appointed Argyll her commander-in-chief, and marched to Hamilton ; but Argyll fell sick, and his absence proved fatal to the conduct of operations when, on 13th May, the forces of the Queen and the Regent met at Langside. Moray's army, whereof Morton commanded the advanced guard, was inferior in numbers to the Queen's by one-third ; nevertheless Mary, seated on Cathcart Hill, about a mile from the conflict which ensued, had to witness the complete rout of her people, and rode off the field escorted by the Lords Herries, Fleming, and Livingstone. A few days later, trusting to the protection of her cousin, Queen Elizabeth, she crossed the Border, never to return to Scotland. But her friends remained faithful to their beautiful Queen, whose evil fortune had gone far to obliterate what was deplorable in her record. Morton had enough ado to secure the position he had won for himself, not to mention the defence of the reformed religion. He could not afford to be scrupulous in remembering old friendships, and the influence of his former confederate, William Maitland of Lethington, upon Elizabeth's policy towards Scottish parties, caused him much anxiety. Maitland, one of the authors of Riccio's murder, had gone over for the nonce to Queen Mary's interest, notwithstanding that he had accompanied Moray, Morton, Lindsay, and the other commissioners to York, where they publicly made their indictment against the Queen of Scots, and the casket letters were privately shown to the Duke of Norfolk. It came to Morton's knowledge that Maitland was in secret communication both with Elizabeth and with Mary's adherents ; accordingly he caused the Regent to direct the arrest and arraignment of Maitland on the charge of complicity in Darnley's murder. In view of the opposition expected from the Queen's party, Morton held himself ready at Dalkeith with 3000 men to protect the judges in case of disturbance. But the trial never took place. Kirkaldy of

Escape of
Queen Mary
from Loch-
leven, 2nd
May 1568.

Battle of
Langside,
13th May 1568.

Grange demanded, before Maitland should go to an assize, "the like justice to be done upon the Erle of Mortoun and Mester Archibald, and Lord Heris offerit to feicht with the Erle of Mortoun that he was upon the consell and airt and part of the Kingis murthour."¹ So Morton deemed it prudent to keep away from the capital. Kirkaldy then rescued Maitland and took him into Edinburgh Castle, which these two continued to hold for Queen Mary, till they were overpowered in 1573.

On 23rd January 1570 the Regent Moray was assassinated in Linlithgow by Hamilton of Bothwellhaugh. Morton applied to Queen Elizabeth for an armed force to assist him in punishing the Hamiltons, threatening, if she persisted in holding aloof, that "he would not run her course any longer." This forced Elizabeth's hand; Sussex crossed the Border, wasted the lands of some of Queen Mary's party in that region, and marched to Hamilton, where he did the like. Lennox, father of the murdered Darnley, and grandfather of the young King, returned to Scotland at this time, and, at Morton's earnest instance with the Protestant party and Queen Elizabeth, was appointed to the regency. This did not interfere with Morton's position as practical head of the Government, "the strongest man in Scotland," as Drury described him to Cecil;² but nearly all the nobility had ranged themselves against him in the Queen's cause. The civil war, therefore, which was now in progress, was the old blood-feud of Douglas and Hamilton in an aggravated form.

Now, Archibald Douglas knew far too much about Morton's guilty foreknowledge of the crime of Kirk-o'-field to make it safe for Morton to neglect him; accordingly he was employed as the confidential agent of his powerful relative in negotiations with the English Government. Archibald could play many parts—parson, judge, diplomat, murderer—but there was

The Earl of
Lennox ap-
pointed Re-
gent, 12th
July 1570.

Treachery of
Archibald
Douglas, 1570.

¹ Melville's *Memoirs*, 218.

² *State Papers (Foreign)*, 1569-1571, No. 184.

one in which he always failed—that of an honest man. While employed by Morton, he took pay from Drury, the English commander in Berwick, as a spy; he entered into treasonable correspondence and dealings with Kirkaldy and Maitland, whom Morton was besieging in Edinburgh Castle; but he could not refrain from cheating them of 1000 out of 5000 Flemish gold crowns which he was commissioned to convey to them; he even caused his servant, Binning, to attempt Morton's life with a pistol. It is not improbable that his rancour against Morton arose out of pique at the appointment of another Douglas to be Archbishop of St. Andrews in 1571; but the fact that he was deep in conspiracy against his patron did not prevent him accepting at his hands the parsonage of Glasgow, when straightway he began to stir up the Presbyterian clergy to resist Morton's intromissions with their stipends.

Chief in Morton's counsel at this time was John Knox, who greatly strengthened the earl in offering resistance to Elizabeth's wavering inclination for Mary's restoration. In February 1571 Morton, Pitcairn, lay abbot of Dunfermline, and Mr. James MacGill, clerk of register, went on an embassy to London, in order to convince the Queen of England of the necessity for Mary's continued imprisonment. Ambassadors in Mary's interest were already in London—Bishop Lesley of Ross, Bishop Gordon of Galloway, and Lord Livingstone. Elizabeth appointed Lord Burghley, Sir Walter Mildmay, and Sir Francis Knollys to receive Morton's representations, which, being put in writing and laid before her, mightily offended her by the assertion of the inherent right of subjects to depose their sovereign under certain circumstances. But at this juncture a letter arrived from Sir Francis Walsingham, whom Elizabeth had sent on a secret mission to Paris, announcing that a project was afoot for the marriage of Mary with the Duc d'Anjou, which had received the sanction of the Pope. Now this was pure and intentional fiction on the part of Walsingham, intended to fire Elizabeth's jealousy of Mary, for negotiations had been in progress for some

time for the marriage of Elizabeth herself to Anjou. The device took effect, but only a temporary one. Presently Elizabeth seemed ready to fulfil the conditions of the articles settled at Chatsworth between Mary and Lord Burghley, which included the restoration of the Queen of Scots and the removal of her son to England. Nothing was farther from Burghley's design than a settlement so menacing to Protestant interests; it was probably in full collusion with the English Secretary that Morton at this stage resiled from the negotiations, declaring that he was not empowered by the Scottish Government to consent to Mary's restoration. The Scottish commissioners returned home, and the Regent's Government were so well satisfied with Morton's discharge of his mission, that, in order to indemnify him for his expenses, they bestowed upon him the bishopric of St. Andrews, vacated by the death of Archbishop Hamilton.

After this, Elizabeth resumed the traditional policy of England, encouraging alternately the hopes of each party in Scotland, thereby aggravating the bitterness of civil strife, and rendering an agreement between parties less practicable than ever.

CHAPTER XII

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UNIMPORTANT engagements between the Regent's soldiers and parties of the Queen's adherents continued, with varying success to either side, throughout the spring and summer of 1571, involving in the aggregate the loss of many lives. The gallows was busy too. It is sickening to read of the reprisals by both parties. Thus, on 15th April four of Kirkaldy's horse were taken in attacking a convoy coming from Leith, and were promptly hanged. Thereupon Kirkaldy hanged four prisoners of the Regent's men, and "a gentleman called Dowglas"—unluckily not Archibald. On the night of the 25th, Morton in person, lying in wait for Lord Claud Hamilton, missed his prey, but fell upon a detachment of two-and-twenty of Kirkaldy's foragers, whereof he slew fifteen or sixteen, and took five prisoners. These were taken to Leith, where the Regent and Morton had their headquarters during the siege of Edinburgh Castle. Four were hanged at once, but the fifth was sent to Holyrood, and "flowred captane Mitchallis gallow." Kirkaldy immediately replied by stringing up two prisoners "vpoun Mowtrais tries, foiranent the chapell,"

and two more on the 28th, "that thei of Leith micht sie; and so," ejaculates Richard Bannatyne ruefully, "thair is nothing but hanging on eather syde."¹

On the whole, the balance had turned in favour of the Regent's party, several of the Queen's lords coming over to that side. But the relations between Regent Lennox and Morton were becoming more and more impracticable; Morton, indeed, may be held to have begun to long for the removal of the Regent, when this was suddenly accomplished by the Hamiltons. A Parliament having been summoned in Stirling on 4th September, three or four hundred mounted men, under command of one George Bell, were sent into the town by Lord Huntly at day-break, captured Morton and Glencairn in their lodging, and having taken the Regent prisoner also, shot him in cold blood. Morton would assuredly have suffered the same fate, had not Scott of Buccleuch interfered.

Slaughter of
Regent Lennox,
4th September 1571.

Three candidates were nominated for the regency, namely, the Earls of Argyll, Morton, and Mar, the choice of Parliament falling on the last. From very weariness of slaughter, as well as out of respect which all parties yielded to this nobleman, it is probable that affairs in Scotland might have settled into something like pacification; but scarcely had the harvest of 1572 begun when news of the massacre of St. Bartholomew brought vividly before the reformers a vision of what a Catholic restoration might expose them to, inflaming their fears and hatred to an uncontrollable pitch. It shocked Queen Elizabeth out of her temporising policy, and inclined her to give up Queen Mary to be dealt with by the dominant party in Scotland. Morton and Knox between them overruled the milder Mar's hesitation; but Morton was too astute to yield to Elizabeth's wishes that Mary should be privily done to death; he "stipulated for some manner of ceremony and a kind of process," and for the presence of 2000 English troops at the execution, in order that Elizabeth's part in this act of justice should be publicly manifest,

¹ *Memoriales*, 231, 232.

so that she might never thereafter withdraw from the Protestant alliance.

Mar had made Morton commander-in-chief in the operations against the insurgents, as Queen Mary's partisans must be technically termed, and the "Douglas Wars," as men called them, went on with increasing bitterness. Morton had his enemies even in the Reformed Church on account of the firmness with which he resisted, or at least sought to limit, the interference of churchmen with State affairs. His life was attempted more than once, but whatever were his faults, that of want of personal courage was not of them. The knife and bullet were agents in the politics of the sixteenth century, as universal and well recognised as the platform is in the twentieth. Morton must have been fully aware that his death would be hailed with rejoicing by the Catholic party in all lands, yet never would he consent to take any precautions, and used to walk and ride about in town and country without any escort. Admirers of his unquestionable ability, however, are hard pressed to find excuse for an act which he was induced to commit at this time out of desire to conciliate Elizabeth and establish the union with England. In 1569 the Earls of Northumberland and Westmorland, having joined in a Catholic rising against Queen Elizabeth, were driven over the Scottish border, where Northumberland was captured by one Eckie Armstrong, delivered to the Regent Moray, and imprisoned in Lochleven Castle. There he had lain ever since; Moray refused to give him up, and Queen Mary, at the Chatsworth conference, had chivalrously refused to make the surrender of these refugees one of the conditions of her own restoration, so dishonourable had it ever been held for one country to refuse asylum to the political exiles of another. In the autumn of 1572 the Duke of Norfolk was sent to the scaffold for plotting with Queen Mary. The discovery of this conspiracy so much increased Elizabeth's desire to get Northumberland into her hands, that she raised her price. Morton, eager to conciliate the Queen of England at any

cost, sanctioned the sale of the earl to the English Government for £10,000, and he was executed at York three days after his delivery. "This falt wes done for sum vther caus nor we know, to the great schame of this realme, to steale sa noble a man, ane presonar, yea that come in this realme for saiftie off his lyff."¹

No doubt the delivery of Northumberland was part and parcel of the compact for the surrender of Queen Mary's person, with which other events were to interfere.

Regent Mar died on 29th October of an illness brought on, it was said, because "he lufit peace and culd nocht haue the same."² Followed the death of John Knox on 24th November, leaving Morton more supreme than ever in the King's government. "There lies one who never feared the face of man," was Morton's eulogy beside the grave of the mighty preacher. Doubtless he felt that he had lost a true friend and valuable counsellor; not the less must he have breathed more freely, released from the constant interference with policy and government which Knox claimed as the inalienable right of the Church. The consequence of Knox's death was immediate and important. The attitude of the reformed divines towards the Catholic party was formed on a literal interpretation of the dealings of the children of Israel with the Canaanites. No temporising with them, no mercy shown to them; smite them hip and thigh; destroy them utterly off the face of the earth!

Morton was elected Regent in place of Mar, and it is upon one of his earliest acts that Sir James Melville founds his most damning accusation of him. He declares that the new Regent sent for him and told him that the lords "had bourdenit him with that faschious³ office," which he had felt bound to accept; that he wanted the help of all good and honest men to bring about peace, and he wished Melville to induce his friends in the castle—Kirkaldy, Maitland, Home, and others—to submit. He promised as Regent to forget all the injuries he had received from them as Earl

Morton
elected
Regent, 24th
November
1572.

¹ *Diurnal of Occurrents*, 298.

² *Ibid.*, 317.

³ Troublesome.

of Morton, and ended by promising that Melville should receive the priory of Pittenweem as a reward for his labours, Kirkaldy should have the bishopric of St. Andrews and the castle of Blackness, and that all in the castle should receive back their lands and possessions. Melville then states that after two or three interviews with Kirkaldy, he was able to report to the Regent that Kirkaldy was willing to submit, but rejected the offer of the bishopric and the castle, desiring only to get back his own estate of Grange. Moreover, Kirkaldy was willing and able to bring all the Queen's faction to submit to the Regent's authority. This did not suit Morton's views by any means.

"James, I will be plain with you," quoth he to Melville. "It is not my will to agree with them all, [for] then their faction will be as stark¹ as it is, whereby they may some day circumvent me if they liked. Therefore it is my will to divide them; and moreover, there have been great cumbers in the country this while bygone, and, during them, great wrongs and extortions committed, for which some fashion of punishment must be made; and I would rather that the crimes should be laid and alight upon the Hamiltons, the Earl of Huntly and their adherents, than upon your friends; and by that I will get more profit by their wreck than by the wreck of those in the castle, that have neither so great lands nor escheats² for us to win and to be the reward of our labours. Therefore show Grange and your friends that either they must agree by³ the Hamiltons, the Earls of Huntly and Argyll, or the said lords will agree without them of the castle."

Melville bore this second message to Kirkaldy, who replied, like the high-souled gentleman he was, that it was neither godly nor just to punish men in proportion to their wealth rather than to their guilt; that the nobles had always been willing to submit, after the Queen's detention in England, but that they had been refused terms. He, Kirkaldy, preferred that they should now desert him and make their own terms, rather than he should stoop to desert them.

¹ Strong.

² Forfeits.

³ Without.

Morton, says Melville, seemed to approve of Kirkaldy's chivalrous fidelity to his friends, and assuring Melville that he would come to terms with the whole of Queen Mary's adherents, allowed him to go home well pleased.¹ But Morton's was a Punic faith! Without further dealings with Kirkaldy, he brushed aside the black-robed, blatant horde of clergy, to attach whom he had often snuffed canting phrases but never amended his own profligate living, and opened direct negotiations with Huntly and the Hamiltons. These and their adherents were only too willing to abandon a lost cause; the result was a general amnesty and pacification concluded at Perth on 23rd February 1573; the insurgent lords making submission to the King and Regent, and binding themselves to dissolve their forces.²

Thus was Kirkaldy betrayed and left in the lurch. "This was the recompence that this gud gentilman obteanit, for the gret help, hazard and charges done and maid for thir lordis; not beleuing that the Regent wald be sa malicious as to cast him aff, and not accept his frendschip, quhilk he offerit incontinent efter that the rest wer agreed by³ him."⁴ Of all the acts of Morton's life there is none that stands out so forbidding as his heartless, faithless treatment of the bravest man in Scotland.

The siege of Edinburgh Castle went on, but it was not Morton's arms that finished it. It was the Marshal of Berwick's English guns which, in May 1573, battered down the walls which Kirkaldy had so splendidly defended for three-and-thirty months. No plea for mercy from Kirkaldy's friends prevailed with the cold-blooded Regent; deeply versed in the poisonous statecraft of Machiavelli, he allowed no compunction to interfere with his design of shattering the Catholic opposition. Kirkaldy was drawn to the shambles like a common malefactor, his companion, Maitland of Lethington, having been delivered only by his death in prison from a similar fate.

¹ Melville, 249-252.

³ Without.

² Calderwood, iii. 361-371.

⁴ Melville, 253.

At last the government of Scotland had passed into strong and capable hands. "The Regent is the most able man in Scotland to govern; his enemies confess it."¹ He combined the qualities of a resolute and unscrupulous administrator with those of an adroit financier. While enforcing obedience to the sixth and eighth commandments among the wild Border riders, and conformity to the Protestant religion among men of all classes, he discarded the gibbet and the stake, which familiarity had brought into much contempt, and substituted a system of fines, which served the double purpose of punishing offenders and replenishing the exhausted national exchequer. "His fyve years," wrote Mr. James Melville in his Diary, "were esteemed to be als happie and peacable as euer Scotland saw; the name of a papist durst nocht be hard of; there was na a theiffe nor oppressor that durst kythe."² It is the fate of every reformer to incur the deadly animosity of those whose interests may be infringed on by his action. His plan [1572] of creating "tulchan" bishops—bishops, that is, who drew the full revenues from their sees, but were obliged to hand over the larger portion of them to lay patrons—was part of his policy for diminishing the authority of the Church in civil affairs. It brought upon him the charge of personal avarice, although it is not proved that he profited directly thereby;³ and alienated from him the sympathy of many of the clergy. One of these, Mr. John Davidson, minister of Liberton, had the dangerous gift of writing excellent satirical verses, and suffered exile for a lampoon on Morton's policy of reducing the number of incumbents.⁴ The Regent further exasperated the Presbyterian divines by his endeavour to confirm episcopacy as a permanent form of Church government, perceiving it to be indispensable to the unity which

¹ *Cal. State Papers (Foreign)*, 1575-1577, No. 299.

² Melville's *Diary*, 47.

³ A kinsman, John Douglas, parson of St. Andrews, was made "tulchan" Archbishop of St. Andrews in 1572.

⁴ M'Crie's *Life of Andrew Melville*, ii. 388.

it was the whole object of his policy to establish with England. Morton had no liking for Presbyterianism, to which the Scottish reformers were steadily inclining; he wished "to bring in a conformitie with England in governing of the Kirk be bischopes and injuncciones, without the quhilk he thought nather the kingdome could be gydet to his fantasie nor stand in guid aggriment and lyking with the nibour land."¹ Above all, he detested the very name of the General Assembly, and resisted their repeated exhortation to become an "instrument of righteousness" as a lay elder. When they invited him as chief of the Government to take part in their interminable debates, he always replied that he had "no leisure to talk with them"; and at last, under the exasperating effects of their deputations, he bluntly told the reverend gentlemen that there would be no peace in the land till he had hanged some of them.²

The advent of Andrew Melville in 1574 gave new vigour to the movement against episcopacy. Declining an astute proposal by the Regent that he should become his private chaplain, Melville took the lead of the Presbyterians, and caused them to pass the *Second Book of Discipline* in 1578, whereby the settlement under bishops was overturned.

Still more serious in its effect upon Morton's career was the disaffection engendered among Argyll,³ Athol, and other lords by the curtailment of their feudal privileges and his encouragement of townspeople and artisans. Morton would not, or for want of public funds could not, stoop to conciliate these proud personages by bribery; wherefore arose the strangest confederation against his authority—Andrew Melville and the General Assembly hand-and-glove with the heads of the dormant Catholic party. Argyll's hostility was directly brought about by the tenacity with which Morton insisted upon his restoring certain crown jewels

¹ Melville's *Diary*, 35.

² Calderwood, iii. 393.

³ Not Queen Mary's commander-in-chief, but his half-brother, who succeeded him in 1575 as 6th earl.

which the Countess of Argyll had appropriated while she was the wife of the Regent Moray. Argyll and Athol, then, summoned a convention at Stirling on 8th March 1578, whereat Morton was deposed from the regency,¹ and excluded from a council of twelve appointed for the guidance of James VI., who had just completed his twelfth year. Morton offered neither remonstrance nor resistance. "I wald be at that point myself," he wrote to Douglas of Lochleven, "to haue nathing ado now bot to leif quietlie, to serue my God and the King my maister."² He retired to Lochleven, perhaps feeling safer in that island retreat than in one of his own castles, and began to occupy himself in laying out "a fayre garden with allayis."

But such a dominant figure could not disappear from the field of active politics without momentous effects. Hopes of a Catholic revival were stirred, and the just apprehensions of the Protestants were roused. Even the Presbyterians, impatient as they had shown themselves of Morton's authority, realised that they might easily come under a worse ruler than King Log.

The Earl of Mar was hereditary keeper of Stirling Castle, but the council had given that charge to his kinsman, Erskine of Gogar. By Morton's advice, Mar asserted his right by forcibly seizing the castle, and Morton himself appeared there on 5th May, resuming his former place of authority over the King's person. At a convention held in the castle on 12th June, he was appointed to the presidency of the Privy Council,³ and his nephew, the Earl of Angus [Ivi.], was made Lieutenant - General of the King's forces.⁴ Argyll and Athol collected their forces in Edinburgh, and marched to attack Stirling; but Angus was at hand with 5000 troops, and Robert Bowes, English ambassador at the Scottish court, mediated between the factions so successfully that he was able to write to Leicester "that this darke clowde,

Morton deprived of the regency, 8th March 1578.

Resumes authority, 5th May 1578.

¹ *Morton*, i. 92-100.

² *Ibid.*, 103.

³ *Acts Parl. Scot.*, iii. 121.

⁴ *Reg. Privy Council*, iii. 1-12.

threatenyng a stormy shower, is dissolvynge gently into small droppes, promisyng a calme.”¹ Morton was once more at the head of affairs, although the government was nominally in the hands of the King. Unluckily, there were old scores to be settled; two Regents, Moray and Lennox, had been slain by the Hamiltons, who, by the pacification of Perth, had been exempted from criminal proceedings until the King should assume the government. Morton now caused the Privy Council to issue a commission against the Hamiltons. Bothwellhaugh, murderer of Moray, was dead, but his servant was tried and hanged;² Lord Claud and Lord John escaped abroad, but their lands and those of their chief adherents were forfeited.

In pursuing this policy Morton may have been doing what his experience showed him was essential to the peace of the realm, not the less did it breed calamity to his own fortunes. To this end another circumstance contributed at this time. In order to celebrate the general reconciliation, the Earl of Mar gave a banquet to the leading nobles in Stirling on 25th April 1579, on returning from which the Earl of Athol suddenly died. It was assiduously bruited that he had been poisoned by Morton's direction. An incredible slander, one might suppose; but the charge was levelled against one stained with the blood of Riccio, Darnley and Kirkaldy, and discredited by promiscuous private profligacy. To fill Athol's place at the head of the Catholic party, Esmé Stuart, Lord d'Aubigny, a cousin of James VI., was invited to come from France, and soon proved himself a far more formidable leader of the opposition than Athol had been.

Esmé Stuart, upon whom, in March 1580, the King conferred the earldom of Lennox,³ had secret instructions to enable him to effect the overthrow of Morton, by charging him openly with the murder of Darnley.⁴ But before divulging this scheme he exerted himself to supplant Morton in the

¹ Bowes's *Letters*, 10.

² Pitcairn, i. 31.

³ Esmé bought the earldom from the holder of the title.—Bowes's *Letters*, 21.

⁴ *Ibid.*, 22.

King's confidence, and accomplished that purpose by assuring his most Protestant Majesty that his theological arguments had completely converted him from the errors of Rome. This, of course, had a great effect upon the attitude of the Presbyterian party, who had found Morton no more favourable to their extreme views than he had proved before his brief eclipse.

The forces thus arrayed against Morton were the more overpowering, by reason that there existed a serious disagreement at the time between him and his nephew Angus,¹ thus crippling the natural preponderance of the house of Douglas. Morton, seeing no other course to avoid destruction, entered into a "platt for the common benefites" with Ambassador Bowes,² having for its object the conveyance of the King to the court of Elizabeth, whereby to defeat a similar plot by Lennox for the King's conveyance into France. Morton's "platt" miscarried, chiefly by reason of the English Queen's vacillation, and Lennox went from strength to strength, securing for himself continual attendance on the King by his appointment to an office created *ad hoc*—that of High Chamberlain.

Morton, although fully warned of his danger, disdained to seek safety in flight, and on 29th December 1580 a dramatic scene was enacted in the council chamber of Holyrood, when Captain James Stuart,³ "with the preivity and especiall commandement of the Kynge,"⁴ having demanded an audience, was admitted, knelt before the King, and declared that duty to his sovereign compelled him to reveal what he knew of a great crime. Then rising to his feet, he denounced Morton as the murderer of Darnley, and demanded his arrest. Morton, with perfect coolness, replied at considerable length. He knew not, he said, whose tool Stuart might be, but he was quite prepared to meet charges brought even by so obscure an individual. As for the

Morton
arrested on
a charge of
murder, 29th
December
1580.

¹ Bowes's *Letters*, 73.

³ Shortly to be created Earl of Arran.

² *Ibid.*, 68.

⁴ Bowes's *Letters*, 159.

murder of Darnley, it was perfectly well known that he himself had brought to justice every one who had a share in that guilt.

“False!” shouted Stuart, starting forward. “Have you not caused your cousin, Archibald Douglas, to pollute the bench of justice with his presence, whereas he is an infamous murderer?”

The two men seemed to be about to fly upon each other; Morton’s sword was half-drawn when the Lords Lindsay and Cathcart rushed between them, and both were removed from the chamber. Morton was ordered to ward himself in his own apartments in Holyrood House; two days later he was transferred to Edinburgh Castle,¹ and then, to avoid manifestation of popular feelings in the capital, was sent to Dumbarton Castle under custody of his enemy the Earl of Lennox. Orders were issued for the instant arrest of Archibald Douglas, but that crafty rascal had already taken to his heels.

Queen Elizabeth, repenting too late of her half-hearted support of the Scottish Protestants, was now in dismay at the impending wreck of the reformed religion in the north, and sent Randolph post-haste to Edinburgh to obtain Morton’s liberation, or at least to save his life. But Lennox took care that neither threats nor persuasion, nor arguments about the safety of the Protestant ascendancy, should move King James, who was made to reply that Morton should be brought to trial as soon as Archibald Douglas, chief witness against him, should be sent back by the Queen of England, under whose protection he remained at Berwick.

Failing to move the King, Randolph next went before Parliament, and for two hours laboured to convince the members of the Three Estates that Morton was true and Lennox false. He produced some intercepted letters, purporting to be written by Bishop Lesley to the Pope, in support of the charge that Lennox was a secret emissary of Rome. Lennox, who was present, denounced the letters as

¹ *Morton*, i. 124.

forgeries; so they were, indeed, having been concocted by Archibald Douglas, as his brother the laird of Whittingham confessed, adding that they were forged by Archibald in collusion with the English ambassador Bowes.¹

Equally in vain was the military demonstration made by the Earl of Huntingdon on the Border; the menace of invasion only strengthened the hands of the Scottish Government by rousing the hereditary hatred of the nation for the English.

Great are the misfortunes of the great. During the five months that Morton lay in prison awaiting trial, the people treated their former ruler with complete indifference. They forgot the prosperity that had come to the country during his regency, remembering only that the price had been exacted in additional taxation. Young Angus [lvi.] raised the Douglas standard in vain; the vassals did not rally to it as of yore; "il a esté delaissé de beaucoup qui lui avoit promis assistance."²

It cost his accusers much time and trouble to prepare the charges against Morton. Great efforts were made to obtain from France the extradition of Thomas Weirdy, who, as was alleged, had bought the poison which caused the death of the Earl of Athol, in order that Morton might be charged with that murder also, but in the end the process was adjusted only on the charge of treason.³

If the preliminaries of the trial were dilatory, there was none of the law's proverbial delay in the final proceedings.

Morton was brought from Dumbarton to Edinburgh, and arraigned on 1st June upon a charge containing nineteen counts, chief of which was that of being "council, concealing, and being art and part of the King's murder." The only witness against him was Sir James Balfour, who certainly had been an

His trial and execution, 1st and 2nd June 1581.

¹ Letters from Lennox and Lord Ogilvy to Archbishop Beaton, 16th and 18th April 1581.—Hosack, ii. 550-554. Bowes indignantly denied his alleged share in the forgery.—Bowes's *Letters*, 174.

² Lennox to Archbishop Beaton, 18th April 1581.—Hosack, ii. 552.

³ *Ibid.*, 554.

active accomplice in the murder, and moreover had owed immunity from the consequences to Morton's own reprehensible lenity towards him. Upon his testimony the earl was convicted and sentenced to be hanged, drawn, and quartered, a doom commuted by the King to that of decapitation by "the Maiden," an instrument resembling in principle the guillotine, which it is said Morton himself had brought into use in Scotland, having been favourably impressed by the clean work he had seen it perform in Yorkshire. The execution took place on the day following the trial [2nd June]. Morton behaved with perfect dignity and fortitude on the scaffold. It is not wise to lend much credence to reports of last speeches made in days when the art of shorthand was not; but if the words reported by Richard Bannatyne were not actually spoken, the thoughts they express may well have passed through the mind of the dying Douglas: "Gif I had bene als cairfull to serve my God and walk in his feir as I was to see the Kingis weill, I had nocht bene brocht to this poynt that I am at this day."¹

James Stuart, his accuser, who by this time had received his reward in being made Earl of Arran, stopped Morton between his chamber and the scaffold, saying, "Now, my lord, you will be reconciled with me, for I have done nothing on any particular against you."

"It is no time now to remember our quarrels," answered Morton. "I have no quarrel with you or any other. I forgive you and all others, as I will all to forgive me."²

¹ *Memoriales*, 320.

² *Ibid.*, 331. Bannatyne's is the fullest, as it is probably a fairly trustworthy, account of Morton's last hours. True, Bannatyne, so long secretary to John Knox, between whom and Morton had been enduring friendship and confidence, would incline to partiality for the earl; but, on the other hand, Morton had deeply offended the Presbyterians both by his inflexible resistance to their attempts to interfere in matters of civil government, and by his firm maintenance of episcopacy, so that they were far from united in devotion to him at the time of his death. Bannatyne gives at length the report rendered by two ministers of the confession made by Morton to them on the day of his death—a remarkable document. "And sua," concludes Bannatyne, "quhatever he had bene afoir, he constantie died the trew servant of God; and however it be that his vnfriends

Morton's corpse was left on the scaffold till sunset, and was then taken to the place of common burial in Greyfriars' churchyard, where his resting-place is marked by a stone bearing the simple initials J. E. M. [James, Earl of Morton]. His head, after being exposed on the Tolbooth for eighteen months, was taken down by order of King James [8th December 1582] and placed in the grave where his body already lay.¹

One very ugly feature in this State trial remains to be recorded. John, 8th Lord Maxwell, was a nephew of Regent Morton, being the son of Beatrix Douglas, sister of Morton's wife. Notwithstanding being thus near of kin to the accused, Maxwell was one of the assize of sixteen which convicted him, having previously, while Morton was in ward awaiting trial, entered into an agreement with Esmé Stuart, Earl of Lennox, for the division between them of Morton's estates "in cais proces of forfaltour be led againis the said James, now Erle of Mortoun."² Comment is superfluous upon a transaction so flagrantly at variance with impartiality of justice. Maxwell got his blood-money, being created Earl of Morton, and receiving the lands attached to that dignity, except those of Dalkeith, Caldercleir, and Aberdour, which fell to the share of Lennox.

Morton has never been a favourite with historians. It has been his fate always to appear in contrast with the inspiring and pathetic figure of Mary Queen of Scots; and although, like her, he ended his days on the scaffold, none of the glamour of a lost cause falls upon him, wherefore his faults loom more darkly, his merits shine less brightly, than is altogether just to his memory. His political principles were clearly defined and consistent, and there is no reason to suspect him of private ambition or self-seeking in ardently pursuing a Protestant league with England and a union of the crowns as the surest means of securing the much-desired peace for both countries. But

alledge that as he lived proudly so he died proudly, the chirritable servantis of God could perceave nothing in him but all kynd of humilitie in his death."

¹ Pitcairn, i. 115, note.

² *Book of Carlaverock*, ii. 490.

without doubt he was unscrupulous in the measures adopted for establishing his policy. His guilty foreknowledge of Bothwell's design upon Darnley's life remains absolutely without excuse, even if we reject Bowton's dubious testimony to Morton's active share in the murder. His part in that heinous crime, rendered his subsequent punishment of other accomplices of Bothwell, and his denunciation of Queen Mary, peculiarly detestable. Beyond that, condemnation must not be carried, unless and until it can be proved or made probable that the casket letters were forgeries, wholly or in part, and known by Morton to be so.

As for ambition—well, granted that he was ambitious, where is the opprobrium? Morton set his hand deliberately and resolutely to a great work of reform; when was such work ever effected except by an ambitious instrument? The charge of avarice, almost universally brought against him, is deficient of proof. Let his own manly and dignified expressions be heard in repelling these two charges.

“For ambicioun surely we think nane can justlie accuse ws, ffor in our privat estait we culd and can leif als weill contented as ony of our degre in Scotland, without further aspiring. The bearing of the charge of the government of the realme indeid mon leade ws or ony vther that fall to occupy that place, not simpillie to respect our self bot his Majestie's rowme, quhilk we supplie. . . . It aucht not to be attributit to ony ambicioun in ws, ffor how sone as euir his Majestie sall think himself redde and able for his awin government, nane sall mair willinglie aggre and avance the same nor I. . . . For the avariciousnes laid to our charge, indeed it lyes not in ws sa liberally to deale the Kingis geare as to sattisfie all cravers; nor neuir sall ony souerane and native borne prince, lett be ane officiar, eshew¹ the disdayn of sic as thinkis thame jugeis to thair awin reward.² In many causis I doubt not to fynd the assistence of my freindis; bot quhair my actionis sall appear vn honest, I will not crave thair assistence, bot lett me beare my awin burding.”³

Several causes contributed to buttress the charge of avarice against the Regent. By the Acts of 1561 and 1562 two-thirds of the Church revenues were made to revert to the “auld possessors,” *i.e.* lay proprietors; of the remaining third, after the reformed clergy had received

¹ Escape.

² Judges of their own deserts.

³ Regent Morton to Douglas of Lochleven, 4th March 1578.—*Morton*, i. 90.

their stipends, the surplus was directed into the Exchequer. This being found to work unsatisfactorily, Morton arranged that the whole Church fund should be collected by the Government, and ensured a surplus for the Exchequer by largely reducing the number of benefices, obliging one minister to discharge the services of several churches on the stipend of one. The clergy who suffered under these changes readily accepted the scandal that the Regent enriched himself at the expense of the Church, whereas it is almost certain that the money thus obtained was spent in the public service. So, also, were the subsidies which Morton received from Queen Elizabeth: magnified by rumour into regular payment of a pension of £10,000 a year, these sums were currently believed to pass into his own pocket. On the other hand, he steadily and repeatedly refused large bribes offered him by the French Government to procure Queen Mary's release, saying that "as he was chosen the King's Regent during his minority, he would not know any other sovereignty so long as the King lived."¹ The fidelity with which Morton administered the King's revenues exasperated those who found their perquisites stinted and their pilferings checked, and who swelled the complaint against the minister whom it suited them to denounce as avaricious. In fact, it was Morton's stern insistence upon the restoration of certain crown jewels in the possession of the Earl of Argyll which provoked the relentless hostility of that nobleman, who was the chief agent in his undoing. After Morton's death it was reported that he had amassed and concealed vast treasure; proceedings were set afoot to recover it; one of his servants described, under torture, the places where it was hidden, but when search was made, none was discovered.

The groundlessness of such charges as these impart suspicion to other and graver imputations upon Morton's character,—that, for instance, of having caused the death by poison of the Earl of Athol in 1579,—and these need not be put in the scale of judgment against him. His private

¹ *Cal. State Papers (Foreign)*, 1575-1577, No. 294.

character, Morton himself admitted to be very imperfect: though much concerned in religious questions, his interest in religion was almost wholly political. The irregularity of his relations with women has been accounted for, if not excused, by the insanity of his wife, whom a jury pronounced in 1581 to have been "furious" for two-and-twenty years, but it was worse than a mere error in taste to make a mistress of the pretty wife of Captain Cullen, whom, reprobate as he was, Morton had sent to the gallows. Of the ten children his wife is said to have borne him, all are supposed to have died young; but in the agreement between Lord Maxwell and Esmé Stuart, Earl of Lennox, above referred to, Lennox undertook to raise briefs of idiocy against the ex-Regent's three daughters, who must therefore have been alive in 1581.

Besides his legitimate children, Morton left four bastard sons—

- (1) James Douglas, who was lay-prior of Pluscardine for a while, and married Anna, daughter and heiress of George Home of Spott, by whom he had issue. He was forfeited after his father's death, and restored with his brothers in 1585. In 1592 he was arraigned on a charge of treason in connection with the rebellious proceedings of Francis, Earl of Bothwell, suffered forfeiture a second time,¹ and was restored again in 1603.
- (2) Archibald Douglas, upon whom his father bestowed his paternal estate of Pittendreich. He married Elizabeth, daughter of William Sutherland of Duffus, and had issue Elizabeth, who married John Innes of Leuchars.²
- (3) George Douglas, a cripple, pensioner of the priory of St. Andrews; and
- (4) William, about whom nothing is known save that he shared in the restoration of his brothers in 1585.

There remains to be noticed what is known of that

¹ Pitcairn, i. 268, 347; ii. 21.

² Fraser, ii. 321.

exemplary divine, Mr. Archibald Douglas [xxxvii.], parson of Glasgow and judge of the Court of Session. Surely of all the miscreants bearing the name of Douglas, here is the most accomplished rogue. Morton, well knowing his guilt, had screened him from criminal proceedings on



Figs. 33, 34, 35.—Seals of James Douglas, Earl of Morton, Regent.

account of Darnley's murder, though he sent others, his accomplices, to the gibbet. Yet in 1572, when Morton was besieging Kirkaldy in Edinburgh Castle, Archibald, judge and parson, was diligently smuggling supplies into the beleaguered fortress, and keeping Kirkaldy informed of the movement of Morton's guns and troops. He conveyed Kirkaldy's letters to France, and managed Queen Mary's clandestine correspondence with Bishop Lesley. In April 1572 his misdeeds came to the knowledge of Regent Lennox's government by the seizure of some treasonable correspondence. Archibald, it seems, had received 5000 crowns from Flanders to transmit to Kirkaldy, whereof 1000 adhered to his fingers as middleman. Kirkaldy wrote

Treachery of
Archibald
Douglas, 1572.

complaining of his exorbitant greed, expressing an opinion that 500 would have been ample; and this letter fell into the wrong hands. Among the correspondence thus brought to light was some evidence of Archibald's plot to procure Morton's murder. Archibald, however, either explained this plot as a device to hoodwink his employers in the castle, or else he knew enough to prevent Morton visiting him with the consequences; for, although he was arrested and taken to Stirling on 14th April, he got off with six years' imprisonment, "grit request" having been made on his behalf by influential persons.¹ Somehow or other, Archibald was at large again in 1578, and on 11th November, after Morton's temporary absence from the head of affairs and his return to the court in May, the

Fig. 36.—Signature of James Douglas, Earl of Morton (1565).

King, acting of course upon Morton's instigation, restored him to the bench.

Two years later, when Morton was seized upon James Stuart's denunciation, warrants were issued for Archibald's apprehension, but he was over the Border before they could take effect. He carried with him a warm letter of commendation from Ambassador Bowes to Burghley, "for his devoted and good affection to her Majesti by many servises, grett charges and sondry dangers sustayned;"² but Lord Hunsdon's testimony to Archibald's worth was less cordial—"Towchyng Archbald Duglas, I thynke he can say lyttell of Skotlande att thys

Flies to Eng-
land, Decem-
ber 1580.

¹ *Memoriales*, 230, 231.

² *Border Papers*, i. 68.

present. And seurlly, my lorde, he ys gretly hatyd there!"¹ He was degraded from the bench on 26th April 1581, and sentence of forfeiture was pronounced upon him on 28th November.² Elizabeth would not consent to his extradition, but kept him as a source of information about the internal affairs of Scotland. She sent Randolph to intercede with the Scottish estates for Morton's life; and Archibald also exerted himself in a characteristic way on behalf of his old patron. He forged certain letters, implicating the Earl of Lennox in a Popish plot, and so arranged that the bearer of them should be taken by Drury at Berwick, who sent the letters on to his chief in London. Randolph laid them before the council in Edinburgh, but Lennox, shrewdly discerning their authorship, caused William Douglas of Whittinghame, Archibald's brother, to be arrested. Whittinghame, who was also a Lord of Session, was deep in Archibald's secret, and, having no fancy for boot and thumbikins, at once gave away the whole case against his brother.

After the execution of Morton, Archibald renewed his secret connection with the English Government, but hedged, as was the nature of the creature, by worming himself into Queen Mary's confidence, for James VI., to whom he looked for ultimate advancement, was veering under Lennox's influence, to his mother's party. But Archibald's letters to Mary were intercepted, and, being found full of matter little to Elizabeth's liking, he was clapped in prison in September 1582. He was a valuable prize, being a breathing repertory of the secrets of the unhappy Queen of Scots. Walsingham saw his opportunity: he plied the prisoner with promises of great and instant reward if he would tell all he knew. Archibald mounted a very high horse, and spoke of "the shame and disgrace" that would be his were he untrue to his Queen. The fact is, he dreaded offending King James by betraying Queen Mary, and thus for ever forfeiting all prospect of preferment in his native land. But six months' imprisonment wrought wonders upon his constancy. In

¹ *Border Papers*, i. 71.

² *Acts Parl. Scot.*, iii. 193, 196-204.

May 1583 he showed signs of yielding to Fowler, Walsingham's agent, and a year later he had done so much against Queen Mary as enabled Queen Elizabeth to receive him back to her favour.

After the fall of James Stuart, Earl of Arran, and the restoration of the Earl of Angus [xxxviii.] and his fellow-exiles in 1585, Archibald Douglas was permitted to return to Scotland also, on the special intercession of the English ambassador Randolph and Patrick, Master of Gray, and under an Act of rehabilitation [1st May 1586], passed with the limitation that it should not be operative should Archibald be found guilty of Darnley's murder. He gave Walsingham a description of his interview with King James on 30th April.

"At your departure," he represents the King as saying, "I was your enemy, now I am and shall be your friend. You are not ignorant what the laws of this realm are, and what may best agree with my honour to be done for your safety. . . . I myself do believe that you are innocent of my father's murder, except by foreknowledge and concealing, a fault so common in those days that no man of any dealing could misknow, and yet so perilous to be revealed in respect of all the actors in that tragedy, that no man without extreme danger could utter any speech thereof, because they did see it and could not amend it."

So abounding is the King's grace! yet for what had Morton's blood been shed save for "foreknowledge and concealing"?

On 26th May Archibald Douglas was put upon a form of trial for the "crewall, horribill, abhominabill, and tresonabill murthour of vmquhile Henrie King of Scottis of gud memorie"; but the whole proceedings were shamelessly collusive; Morton's deposition on the day of his execution, wherein Archibald was shown to have been the chief instrument in the murder, was not submitted to the jury.¹ The deposition of Archibald's servant, Thomas Binning, who had been hanged for the crime in which he had assisted his master,² and who had testified that Archibald "tint his mwlis"—lost his velvet slippers—at the doing of it, was set aside also.

Is tried for
Darnley's
murder, 26th
May 1586.

¹ Pitcairn, i. 154.

² *Ibid.*, 95.

The Master of Gray, active agent in the preliminaries of Queen Mary's execution, and earnest advocate with Elizabeth on behalf of Archibald, was chosen chancellor [*i.e.* foreman] of the jury, upon which also served George Home of Spott, who, in June 1582, had been tried and acquitted of part in that very crime. Lastly, Archibald's brother William of Whittinghame was one of the judges in the case. The whole affair was a transparent sham. It was all arranged beforehand; Douglas had returned to Scotland as Queen Elizabeth's privy agent, and she could not afford to let him get his deserts. His acquittal was pronounced by all honest people "the filthiest iniquity that was heard of in Scotland." It may be mentioned to the credit of Scottish gentlemen, that ten of them paid the penalty of £40 each [Scots money, to be sure!] rather than serve as jurors on such a fraudulent trial.¹

As soon as this blood-guilty wretch had been white-washed, James VI. sent him as his ambassador to the English court, where his memory was in great request in supplying materials for the indictment of Queen Mary, his master's mother—"having discovered² several passages betwixt her and himself and other Catholics of England, tending to her liberation; which were made use of against her Majesty for taking her life."³

No sooner had these "passages" taken due effect and helped to bring about Mary's execution on 8th February 1587, than Douglas was dismissed from office. Indeed it is not at all certain that King James had not ceased to regard him as his ambassador some time before the tragedy at Fotheringay. At all events, influenced by Chancellor Maitland, he had conceived distrust and dislike for the murderer of his father and the betrayer of his mother. He had commissioned Archibald to buy him a couple of good English hunters in England, but, nearly a month before

¹ Pitcairn, i. 154.

² Revealed.

³ *Memoirs of Sir James Melvill of Halhill*, 348.—Ed. 1735.

Queen Mary met her doom, Hunsdon wrote to Burghley to say that he had been warned against Archibald by Sir John Carmichael.

“It ys moste serten that the Kyng hathe no lekyng too Archibald Duglas, for he [Archibald] hathe bowghte two specyall huntyng horsys for the Kyng, but the Kyng wyll by no meanes receive them, and yett hathe he sowght by all the meanes he can, too gett the Kyng too take them, but as yett he wyll nott, so they be yett yn Inglande.”¹

Archibald, therefore, considered it no fitting time to return to Scotland, where, as Hunsdon assured Burghley, “he will finde as bad enterteignment as ever hee had in his lyfe.”² He remained in England, posing still as Scottish ambassador, and in February 1588 Hunsdon wrote to Walsingham from Berwick, warning him that Archibald should not be recognised. “If her Majestie do accept of him as the kinges ambassadour, or looke to understand anything by him from the King or the State here, her Majestie will finde herselfe greatly abused and disceaved therin.”³ Nevertheless, Hunsdon was unwilling to lose Archibald as an agent of English policy in Scotland, for on the very next day, 3rd February 1588, he wrote the following remarkable letter to Burghley:—

“I recevyd your pakkett of the 29 of the laste the seconde of thys [month], with the copy of hyr Majesti’s letter and the ansers too Archibald Duglas proposcyons, which I had byfor.

“Havyng pereusyd the cobby of hyr Majesti’s letter, I fynde yt so harde, as I had rather kepe ytt secrete then shew ytt, for yt ys nott yn season too wryght thys too hym at thys tyme—for yt wyll butt veryfy theyr saynges that wold have hym runn another cowrse, that hyr Majesti ys all yn wordes, but when ytt comes too the performance he shall fynde nothyng, and, as Archibald Duglas letter was, she ys styll att generallytys, yf he want or yf he shall have occasyon too euse hyr frendshype. Thes be no wayse nor meanes too wyn a prynce that ys so far alenyatyd from hyr as he [King James] ys and hathe so many yle⁴ instrumentes about hym as he hathe. . . . Hyr Majesti charygthe hym [Archibald] with the dealyng with forren pryncys, and sundry uther matters, which yf he have dune, then hathe she the more cawse to seke too wyn hym from them, whyche muste be with lyberallyte and present mony too be offerd and sent hym, too helpe hym yn hys dystres, which yf he accepte, thane hath she sume howlde

¹ *Border Papers*, i. 303

² *Ibid.*, 308.

³ *Ibid.*, 309.

⁴ III.

of hym—yf he refuse ytt, then may she know what too looke for att hys handes. But, my lord, yf hyr Majesti thynk that thys dealynge wyll doo any goode, she ys greatly deceyved, and she wyll be sorry for ytt whan ytt wyll be too late. He is wondyd¹ thoe hyr Majesti [is] innocent thereof, yett hyr innocensy ys no satisfactyon too him, nor wordes wyll go for no payment, where deedes muste supply wantes, and he muste have yt eyther of hyr Majesti or sum uther prinse, for utherwyse he shall nott be able to reule hys nobyllite,² but they wyll overrule hym, as you may see by theyr late accyon. I assure your lordship that yf hyr Majesti deale nott more effectually heryn, and that owte of hande, she wyll fynde the lake of ytt, for he wyll be gone! . . . I may be blamyd for wrytynge thys playnly, but consyderynge the grete danger that depends heron, both too hyr Majesti and the state, as yf I showlde be sylent heryn I showlde deserve farr gretar blame, and therfor I hope hyr Majesti wyll accepte yt yn goode parte, beyng dune yn dyscharg of my dewty.”³

Neither Burghley nor Queen Elizabeth could be brought to take honest Hunsdon's view of the importance of Archibald Douglas's services, and though he was afterwards occasionally employed as a spy for the English government, it was at his own charges, and he seems to have been left without any means of subsistence. King James's dislike for the fellow had grown to loathing; he continued even to refuse to receive at Archibald's hands the two hunters which he had commissioned him to buy. This was the more unkind because the royal stables were in a low state at the time, as shown by Hunsdon's application to Burghley on 25th February 1588 for “a placard from hyr Majesti for the buyng of halfe a dosen horsys or geldynges for the kynges owne saddell for huntynge, for he hathe over-huntyd all hys horsys. I pray your lordshyp move hyr Majesti heryn, or else he [King James] may thynke my credytt as smale as A. Duglas makes ytt!”⁴

If Archibald ever returned to Scotland [he was still in England in June 1594⁵] it was only to linger a few years in desperate penury, disowned by his former employers and shunned by his old accomplices, even by the infernally handsome and shifty Master of Gray. The obscurity which hangs over the rest of his ignoble career is broken only by

¹ Wounded.

² Meaning that Archibald would have no means of bribing the Scottish lords.

³ *Border Papers*, i. 310.

⁴ *Ibid.*, 317.

⁵ *Ibid.*, 533.

the act deposing him from the parsonage of Glasgow for neglect of duty and absence from his parish. He died somewhere about the beginning of the seventeenth century.

His wife was Lady Jane Hepburn, widow of John, Master of Caithness, but of his offspring there is no record. The deeper that oblivion descends upon such a rascal, the better for those in whose veins his blood may run, if such there be.



Fig. 37.—Seal of Elizabeth Douglas, Countess of Morton.

A handwritten signature in a cursive script, consisting of several large, flowing letters that are difficult to decipher but appear to be "Matthew Lennox".

Fig. 37A.—Signature of Matthew, Earl of Lennox (1565).

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